1.00 P.M.

SHRI VISHVAJIT PRITHVIJIT SINGH: Sir, the occasion arises to raise this point because outside, the Secretariat staff is sitting and taking back the old Identify Cards and issuing new Identity cards with which I have a lot of problem. The first problem is that this old Identity Card is the one.... (*Interruptions.*) It is very important because it is happening just now and it has to be stopped just now. Sir, the old Identity Card has all the recognition. When you show it, it has certain dignity attached to it, the pillar symbol, the colour all this has a certain dignity. You show it and it is recognised. Everybody is used to it; the security staff whether it be at the airport, or at the Prime Minister's office, or the Prime Minister's Secretariat, or any of the Ministries wherever the members of Parliament have to go, or even the Chief Minister's Secretariat in different States; they are all used to it. You show it and they identify you. Today, Mr. Vice Chairman, we are being issued cards which are issued to* (*Interruptions*)

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I object to that. They have the same dignity.

SHRI DIPEN GHOSH : Enough is enough. What is this ? How can you distinguish yourself from the staff of Parliament. . (*Interruptions*) What extra calibre you have? . . (*Interruptions*)

THE VICE CHAIRMAN (SHRI R. RAMAKRISHNAN): Don't record anything of that. Since Mr. Singh said there is some matter of urgent importance, I thought it is some matter about which this house will be concerned in the light of the observations about the signatures of Mr Sinha.

I can only say for information of the hon. Members that this matter has been cleared by the House Committee and approved by the the Chairman and all the others concerned. So, if there is anything you have got to say, I think you should have a separate talk with the Chairman. I can just remind Mr. Singh and others that old order always gives place to new ring out the old and ring in the new. Now, I would request the law Minister....

SHRI S. W. DHABE: What about his remark that the new card is like the one issued to *

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): I have said that all that does not go on record.

Now the Law Minister.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE RAVI AND BEAS WATERS TRIBUNAL ORDINANCE, 1986

II. THE INTER-STATE WATER DISPUTES (AMENDMENT) BILL, 1986—(*contd*)

SHRI ASOKE KUMAR SEN: The point is very simple. The Bill seeks to give effect to what is called Punjab Settlement signed by the Prime Minister and late Sant Longowal. This contains two important provsions. First, it guarantees the existing user of waters of Ravi Beas to Rajasthan, Punjab and Haryana farmers. That means, whatever has been used upto 1st July, 1985 will be maintained so far as these States are concerned. The second provision is 9·2 which says that the surplus waters after this user will be divided between Haryana and Punjab as may be determined by a Tribunal presided over by a Supreme Court Judge which may be appointed by the Central Government. Therefore, these two matters are separate. Rajasthan comes only with regard to the first part as the existing user, upto 1st July, 1985.

DR. H. P. SHARMA: Is it upto 1st July or as on 1st July.

* Not recorded.

SHRI ASOKE KUMAR SEN: It is the same thing; there is no difference.

SHRI DARBARA SINGH: Whatever the Law Minister is saying about rest of water under 9·2, is not so. The Tribunal will decide the matter after hearing the parties, what is their due, what share they will get.

SHRI ASOKE KUMAR SEN: This should be so. The Tribunal must hear the parties. The determining authority will be the Tribunal and not anybody else. This is the essence of the Accord.

SHRI KALP NATH RAI: Very good.

SHRI ASOKE KUMAR SEN: We are on the Constitutional point. Those who are championing the cause of Rajasthan forget one thing. By being enthusiastic on this point, they do not serve the interests of Rajasthan very much. Rajasthan gets its water only from River Narmada or river Ravi, Beas or Sutlej as a result of agreement between the concerned States through which these rivers flow. None of these rivers flow through Rajasthan. This is what the Rajasthan enthusiasts forget.

SHRI JASWANT SINGH : Sir, I would interrupt the hon. Minister for a minute. Rajasthan does not approach this matter as a supplicant. We are not supplicants and it is no boon being conferred upon us by other States as if we are supplicants. It is no great favour being done to Rajasthan because of the fact that no river flows through our State.

SHRI ASOKE KUMAR SEN: I do not think, I have used the word 'supplicant'. The point I am making is that this arrangement Rajasthan's entitlement is rooted in agreement between the States through which these rivers flow and Rajasthan became a beneficiary of the waters as a result of agreements and agreements alone. This has been the decision throughout by the Tribunals and others. The hon. Member will remember that in the Narmada Tribunal, the Narmada Tribunal decided that Rajasthan has no independent right to share the Narmada waters apart from the agreement, as a result of which the matter was agreed upon between the three States, Maharashtra, Madhya Pradesh, Gujarat on the one hand and Rajasthan on the other, under the Chairmanship of Shrimati Indira Gandhi. I am not on the point of a State being supplicant or not being a supplicant. It is purely a legal issue. Is it rooted in Rajasthan being a riparian State or is it rooted in some agreement between the riparian States and Rajasthan? The fact is that, it is rooted in some agreements. The first agreement was in 1955. This was later on reinforced. Shri Darbara Singh was the Chief Minister then. There was an agreement in 1981. Apart from these agreements Rajasthan right does not exist.

So far as Haryana and Punjab are concerned, they stand on a different footing because Haryana and Punjab were together like PEPSU, Himachal Pradesh, before the bifurcation or trifurcation of Punjab. The Punjab Reorganisation Act, section 98 provides for this matter.

SHRI SUSHIL CHAND MOHUNTA: Section 78.

SHRI ASOKE KUMAR SEN: That is right. I am not quoting that section. The hon. Member being a lawyer and being very much concerned with section 78 as a Haryanvi, he remembers it.

I am not on that point. But this is again a part of history. So far as the Punjab Reorganisation Act is concerned, relevant provisions were made in article 4 of the Constitution by which on the division of Punjab, the State of Punjab, under article 3,

[Shri Asoke Kumar Sen]

article 4 gave the basis for certain provisions being made as supplementary provisions relating to Haryana, Punjab and Himachal Pradesh. Now, these are all matters relating to a historical context when it was erstwhile undivided Punjab, it originally being undivided. There was PEPSU and they merged together in 1956. Again, they were divided. Therefore, these are the disputes with regard to several States, flowing out of the Punjab Reorganisation Act and flowing out of certain accords. So far as Rajasthan is concerned, it maintains the flow that it has been receiving up to 1st July, 1985. The Tribunal has only to verify what amount has been recived up to 1st July, 1985, and nothing more. Once this is determined, the question in regard to the rest of the waters as being divisible between Punjab and Haryana is to be determined by the Tribunal after hearing the parties. This being the position, I do not know how a Constitutional dispute arises.

That is because article 262 is immediately attracted. Now the question is why the original Inter-State Water Disputes Act is being amended. The reason is simple. While dealing with the Inter-State rivers that Act provided for a very limited scope of reference that it is only when one of the disputed States comes and complains that its interest is being prejudiced by the users of the water by any other riparion State or any other State and makes a request to the Central Government to make such a reference, then the Central Government can. The conditions are very very strict.

Therefore, the dispute arising out of the Accord would not fall within the ambit of the Act itself. So, the Act has to be amended. Then the question raised is, instead of amending the Act why can't you have a separate Act? The reason is that the Punjab Government said that a separate Act is not needed and it should come within the parent Act.

We have acceded to that request. A constitutional point does not arise. How does Rajasthan interest arise? I do not understand that because the Accord only says that the Tribunal has only to verify what amount of water it has to receive. (*Interruptions*). Mr. Jaswant Singh, we have heard you at length. (*Interruptions*). Let me finish. Please have patience to hear us also. We have not interrupted you for a second.

Now, Sir, it is not said that Rajasthan is entitled to more than its user beacuse its user is guaranteed by the agreements of 1955 and 1981. So, about the surplus waters after its users, it is nobody's case that Rajasthan is a claimant. All that the Tribunal does is to verify what amount of water was received by Rajasthan up to Ist July, 1985. How it comes into conflict with a constitutional tangle—I have a great respect for Mr. Jaswant Singh—I fail to appreciate. Therefore, there is nothing in this matter even if it does not fall within article 262. There is entry 97 of List I and there is an article called article 248 which says, if a matter does not fall either in List 2 or List 3, then under entry 97 it will fall within List I. Therefore, it can only come within the purview of Parliament where it is an inter-State river or a dispute regarding inter-State river or a dispute flowing out of the conflict between two, three or four States. The matters are entirely covered under List I of the Constitution, Seventh Schedule.

Therefore, with great respect I must say that there is very little in this constitutional objection.

SHRI JASWANT SINGH : Just on a point of clarification.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): There is no question of clarification now.

SHRI JASWANT SINGH: Hon. Law Minister has made a statement about which it will be extremely difficult for the Minister of Water Resources

to explain. Let me take a minute or two and I appreciate the courtesy.

The point that the Law Minister has made is that all that the Tribunal has to do is to determine what waters were drawn as on Ist July, 1985. My point is precisely that, that is, as on Ist July, 1985 Punjab drew more than its share as per the agreement of 1955, subsequently ratified by 1981. Rajasthan drew less than its share, considerably less. So, is Ist July, 1985, going to become a determinant of the share over-riding 1955 and 1981 agreements?

SHRI ASOKE KUMAR SEN: That is not the matter of the Accord. That is a matter which comes entirely within the jurisdiction of the Parent Act where one of the sharing States complains to the Central Government that the user of the share of the water is prejudicial to its own interest. The Rajasthan Government has never come forward with such a complaint. Therefore, that is entirely a different matter, it is still open.

I forgot to answer one point about the Supreme Court jurisdiction. It is now quite well settled that the barring of the Supreme Court is with regard to matters referred to the Tribunal but not its appellate jurisdiction under article 136. Even with regard to Narbada Tribunal Award I was the counsel for Rajasthan and I got the appeal admitted before the Supreme Court under article 136. The bar under article 262 is only with regard to matters referred to the Tribunal. There cannot be Supreme Court and the Tribunal adjudicating at the same time. But once the Tribunal adjudicates, under Art 136, it becomes subject to the appellate jurisdiction of the Supreme Court.

SHRI MADAN BHATIA: Sir, on a point of order. I would like to make one submission. So far as clause 9·1 is concerned, it says the farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1-7-85. Clause 9·1 does not say, as has been suggested by hon. Shri Jaswant Singh that that would be the final figure which will override the user of water by Rajasthan. The clause says . . . .

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): There is no point of order . When you make your speech, you can make this point. The House stands adjourned till 2·15 p.m. for lunch.

The House then adjourned for lunch at sixteen minutes past one of the clock.

The House reassembled after lunch at seventeen minutes past two of the clock. **The Vice Chairman, Shri R. Ramakrishna,** in the Chair.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN : I will have to inform Members that I will be a little strict with time as the time allotted is very short. Already we have taken one hour on this Bill. So I would request Members kindly to bear with the Chair. Shri Sukomal Sen.

SHRI SUKOMAL SEN (West Bengal): Mr. Vice-Chairman, Sir, when the Punjab accord was signed between Prime Minister Rajiv Gandhi and Sant Longowal of the Akali Dal, all political parties lent support to it and our party, CPI (M), when they supported it, supported it with the expectation that the situation will be tackled properly and the accord will be implemented in letter and spirit and it will bring peace to Punjab and it will, to a great extent, heal the wounds which a big section of the Sikh community has been suffering from in that State.

Sir, I would like to draw your attention to a particluar clause of this accord—clause 9·2 — wherein it was said that "The decision of this Tribunal will be rendered within six months and would be binding on both parties." Then it says, "All legal and constitutional steps required in this respect be taken expeditiously." This accord was signed on 24th July, 1985. Since then six months had already elapsed when on January 25, 1986 the Government had set up the Tribunal through an Ordinance although

in the accord itself it was stipulated that it would be done expeditiously and the decision would be rendered within six months. Had this Tribunal been set up right in time, immediately after the accord, by this time the award would have come out and this could have served the purpose of implementing, to a great extent, the accord that was signed by the Prime Minister and Sant Longowal. Now, Sir, this delay has occurred, and this delay is a very costly delay. Not only in regard to the setting up of the Tribunal but in other respects also, in respect of implementing the accord where has been inordinate delay. They are drifting. We find that the situation is getting more and more complicated as days pass by. And the situation is such that people have started saying that the situation in Punjab is almost the same as it was before the Blue Star Operation, if not worse. Whatever it is these costly few months that have passed by have further complicated the situation.

The Government has come up with the Bill for amending the main enactment so as to empower the Government to set up a Tribunal which has already been set up through the Ordinance. Now, Sir, in this connection, I would like to touch some other points in regard to the Accord, which are relevant in this connection.

Sir, the Mathew Commission too that was appointed, took a lot of time, and it made some futile exercises in having another census in Abohar-Fazilka area, knowing fully well that it is a Hindi area and again indulged in census in the Kandukhera village, knowing fully well that during the last census also it was declared as a Punjabi village. So, all these futile exercises also took several weeks, creating a further complicated situation.

Sir, I would like to draw your attention to the fact that as far back as 1970 when Mrs. Indira Gandhi award was declared in regard to Chandigarh, at that time, since Kandukhera was a Punjabi-speaking village, it was stipulated that 7-km. corridor would be provided between the border of Haryana and the 54 villages of Abohar and Fazilka through Kandukhera so that the problem of contiguity is solved. These facts were known to everybody. Despite this fact, the Mathew Commission went into another exercise which proved ultimately abortive. The Mathew Commission did not come out with locating other Hindi-speaking areas which might be contiguous to the Haryana border. So, although the Mathew Commission spent several weeks in the exercise, it did not help in implementing the accord. On the contrary, it created further complications.

What are the complications, Sir? On the one side, this Government delayed in setting up the Water Tribunal. On the other side, the Mathew Commission made some exercises which ultimately came to zero. During this period the communal passions both in Punjab and to a great extent in Haryana have been roused. Now, this water problem as a very sensitive problem to the farmers. Particularly in Haryana farmers were made to understand that unless they could get sufficient water or due water, their cultivation would suffer. And during this period there was no dearth of people or dearth of forces who tried to rouse this peasantry, particularly in Haryana, on this water issue. Not only those forces, but we find that even from the ruling party, even the Chief Minister of Haryana who is a man from the ruling party itself, he himself took the initiative in scuttling the accord, particularly raising the issue of water and some other points during this period. These things happened.

Sir, not only this, but for handing over of Chandigarh to Punjab the deadline was set to be 26th January. That could not be done due to the Mathew Commission Report. They could not clarify anything. Neither could Chandigarh be handed over to Punjab nor could the Water Tribunal be set up in time. So, several precious months have been lost.

During this time many mistakes have been committed both in Punjab and in Haryana. When the Akali Dal came to power with the mandate from the people, it was expected by everybody that since an elected Government has come to power, they will tackle the problem of terrorism in Punjab properly and that peace will be restored. The people had reposed their hopes and reliance on this elected Government with the expectation that they will act properly. But now they find that the Akali Dal after coming to power, instead of properly tackling the problem of terrorism, one after another has compromised with the terrorists. Now terrorism has grown to such an extent, as I said earlier, that the situation at present is same as it was before the Blue Star operation. It is a very serious situation now. The Golden Temple has been occupied by the terrorists who swear by Khalistan. Not only that, several other Gurudwaras have been captured by the terrorists and arms have been piled up there. This Akali Government came to power on people's vote and much was expected of them. Not only the people of Punjab, but the people of the entire country had also relied on them. Now we find that the Akali Government, instead of freeing the Gurudwaras from the terrorists and restoring them to elected bodies, have almost surrendered to the terrorists. The terrorists have now got an upper hand throughout Punjab. As a result what has happened ? The minority community is suffering from a fear psychosis. They feel their life is in danger and they cannot live in peace in Punjab. They also, as a counter-measure, are trying to form their own groups to counter the onslaughts of the Sikh terrorists. As a result Punjab is now in the grip of a communal divide with Sikhs on the one hand and Hindus on the other. This is the result of the policy followed by the Akalis in Punjab and the policy which the Central Government is following in the matter of implementation of the Punjab Accord in letter and spirit.

Now, if we go through the water dispute, it is not a question only of Rajasthan or Haryana or Punjab itself, it is a problem of the entire country. Unless we solve this problem, it is not only going to affect the peace and tranquility in this region, but that of the entire nation. It is going to affect the national unity of our country. That is why our party never views this question as an issue of Rajasthan or of any other State we view this question as a question of our national unity. We should, therefore, give priority to its soluti ..

Now, what has been said in the Agreement in regard to the distribution of water ? In the Agreement it has been said that the farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they were using from the Ravi-Beas system as on 1-7-1985. Doubts have been raised about this date 1-7-1985. Whether it is on 1-7-1985 or upto 1-7-1985. Before lunch our hon. Minister, Shri Sen, tried to clarify the matter. If I am correct, he tried to interpret it upto 1-7-1985. If one tries to make a narrow interpretation of this Accord...

AN HON. MEMBER : He said it is 'as on' 1-7-1985.

SHRI SUKOMAL SEN : But as far as I understand, Shri Asoke Sen tried to explain as if it is upto 1-7-1985. Anyway, if it is stated as 'on' what does it mean? It means only on that day.

संसदीय कार्य विभाग में राज्यमंत्री (श्री सीताराम केसरी) : इनकी पार्टी के 7 मिनट हैं। (व्यवधान)

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Please conclude.

SHRI SUKOMAL SEN : Sir I have just started:

THE VICE-CHAIRMAN : (SHRI R. RAMAKRISHNAN) : No, no. You have already taken about 20 minutes.

SHRI SUKOMAL SEN : All right, I will finish very quickly.

SHRI SITARAM KESARI : The time allotted for your party is only seven minutes, Mr. Sen.

ऐसा मत कीजिये।

SHRI JASWANT SINGH : Let the Chair decide.

हम तो यही कह रहे हैं।

SHRI SITARAM KESARI : I have requested the Chair that he has been alloted only seven minutes whereas he has taken 17 minutes.

SHRI JASWANT SINGH : Let the Chair conduct the proceedings.

SHRI SITARAM KESARI : This is not proper way. You have to help us.

THE VICE- CHAIRMAN (SHRI R. RAMAKRISHNAN) : Even when you have already commenced the proceedings, I requested that Members should bear with the Chair and see that they do not exceed the time limit. However, since it is an important issue I have been a little liberal, but do not exceed the limit.

SHRI SUKOMAL SEN : I will finish very quickly. I will abide by your instructions.

SHRI SITARAM KESARI : You have already taken 17 minutes.

SHRI SUKOMAL SEN : I have not taken more than 10 minutes. You were interrupting me.

SHRI SITARAM KESARI : Half-a-minute.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : Anyway, don't waste further time.

SHRI SITARAM KESARI : I am requesting the Chair. I am not interuppting.

SHRI SUKOMAL SEN : Sir, on that particular date 1-7-1985 what happened. The use of water by Haryana was for 1-3 million acre ft. against its regular use of 1.9 million acre ft. Now, Sir if only the date is fixed on 1-7-1985, on that date it may deprive the States from the benefit of maximum usage during the earlier period. If we fixed only on that date which is the narrow interpretation and I hope all concerned will treat it in a broader way so that the States are not deprived of the maximum usage of water during the earlier periods.

Now, I would like to say that since several months have elapsed after this Accord has been reached, it is high time that the Akali Dal Government in Punjab change their policy towards the terrorists. Sir, not only their compromise with the terrorists they also have raised questions about the relignment of the SYL canal similar questions. In accordance with the Accord this SYL canal was to be completed by the 15th August. 1986.

SHRI SITARAM KESARI: Still how much time you would give him ? (*Time bell ring*)

SHRI SUKOMAL SEN : Sir, whether he is the Chair or you are the Chair? I do not understand. I assure you that I will finish very quickly.

The Punjab Government was supposed to construct the SYL canal and complete it by 15th August, 1986, but they have practically suspended all the work. This has created further passions in Haryana. Some people have raised doubts about the sincerity of the Punjab Government in the construction of SYL canal. I feel Sir, that the Punjab Government should take immediate steps to consturct this canal and complete it by 15th August, 1986 in accordance with the Accord. I would like the Central Government to change their policy of drift. They should try to implement the Accord in letter and spirit by handing over Chandigarh to Punjaba nd some Hindi speaking areas in Punjab to Haryana. They should also see that the water distribution is solved quickly through the Tribunal to the satisfaction of all the concerned States. In this way only the Punjab Accord can be implemented in letter and spirit; otherwise it cannot be done. Thank you.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) : Mr. Darbara Singh. You have got only 15 minutes.

SHRI DARBARA SINGH (Punjab) : Mr. Vice-Chairman, Sir, I will be very brief, but we are the affected persons here.

पानी जो है यह एक नेशनल इस्सेट है। यह किसी एक स्टेट या दूसरी स्टेट का नहीं है। जहां से नेचुरल फ्लो है वह उसको अपनी मर्जी के मुताबिक इस्तेमाल कर के कहे कि यह मेरा है ऐसी बात नहीं है। ऐसे झगड़े बहुत हैं अकेला यही नहीं है। आपके यहां भी झगड़े पड़े हुए हैं। कावेरी का झगड़ा है, कर्नाटक और टी० एन० का आपस में है। कृष्णा वाटर्ज से क्या-क्या फैसले होने हैं। कर्नाटक और ए०पी० का भी है। इसी तरह से गंगा के पानी का भी है। बहुत से मामले हैं। इन झगड़ों को सेटल करना है। आप इनको सेटल करने दीजिये। अभी जो हमारे दोस्त जसवन्त सिंह जी ने कहा मैं उनकी बात का जवाब देना चाहता हूं। उनका यह कहना बिलकुल गलत बात है कि राजस्थान को पानी नहीं मिला है। राजस्थान को पानी मिला है 8.60.06 जो है वह पंजाब को इसलिए मिला है कि जब तक वह अपना इन्तजाम न कर पाएं उतनी देर तक इस्तेमाल पंजाब करेगा। इसके साथ-साथ यह भी एश्योरेंस मांगते हैं कि इन से कि 9.1 में यह लिखा हुआ है कि यह फैसला हमें करना है कि जितनी स्टेट्स है जो पानी आज ले रही हैं वह पानी जारी रहेगा। नम्बर 2, 9.2 में यह है कि हरियाणा पंजाब जो है वह अपना केश पेश करेंगे और जो एड्जुडिकेशन होगा जो आज इस बिल में लाया गया है वह इसका फैसला करेगा कि कितना पानी किस स्टेट को मिलना चाहिए। वह यह नहीं है कि जो फैसला हुआ है उस एकोर्ड का मतलब अगर यह लिया जाएगा कि 9.2 जो है 9.1 जो है वह वैसे का वैसा रहेगा फिर इसको यहां लाने का मतलब कोई नहीं था। इसलिए मैं बिलकुल जोर से कहता हूं कि पानी का फैसला उस एड्जुडिकेशन में करना है जिसके लिए दो एसैसर होंगे, तीन जजेज होंगे ये पांच बैठ कर फैसला करेंगे कि किस तरह का फैसला करना है यह सारा इसमें लिखा हुआ है। शायद जसवन्त सिंह जी ने पढ़ा नहीं है। वह वैसे ही ढोल पीटते रहे हैं कि यह हो गया वह हो गया। मैं यह कहता हूं कि यह 7.2 परसेंट जो है पंजाब और हरियाणा की जो हिस्सेदारी है उसका फैसला नहीं हो पाया है। क्यों नहीं हो पाया है? एकोर्ड जो है वह प्राइम मिनिस्टर ने इसका अमल-दरामद करने के लिए अपना पूरा जोर लगाया है। लेकिन कुछ ऐसे वाकयात हुए हैं दोनों राज्यों की तरफ से हुए हैं एक-दूसरे के खिलाफ इलजामबाजी लगती रही है, एक-दूसरे के खिलाफ कहते रहे हैं बजाय इसके कि वे मैथ्यू कमीशन के सामने जा करके कुछ कहते वे हाउस में और हाउस के बाहर अखबारों में, देहात में, कस्बात में और चण्डीगढ़ में जा कर यह सब कहते रहे हैं। इसमें कोई दो राय नहीं है कि चंडीगढ़ पंजाब को मिलना चाहिए। लेकिन यह चण्डीगढ़ इसलिए ट्रांसफर नहीं हुआ क्योंकि इसके साथ साइमल-टेनियसली यह लिखा हुआ है कि पंजाब के जो हिन्दी स्पीकिंग एरिया हैं वे हरियाणा में जायेंगे। मैथ्यू कमीशन ने यह कहा है कि जो कन्दुखेड़ा है वह पंजाबी स्पीकिंग हैं। इन्युमरेशन के बाद भी कोई ऐसा रास्ता नहीं है कि उसको पलट किया जाए। इसलिए उसने फैसला न इधर किया है और न उधर किया है। इसलिए इस फैसले को बिलकुल वाजह तौर पर करने के लिए यह बिल लाये हैं ताकि एड्जुडिकेशन जो है उसका फैसला इस तरफ या उस तरफ करे और हरियाणा और पंजाब को कितना-कितना पानी मिलना चाहिए उसका फैसला करने के लिए सारी बात कही गई है। मैं जसवन्त सिंह जी की जानकारी के लिए कहता हूं कि आपने शायद यह सोचा नहीं कि 21 से लेकर 60 तक एवरेज लेकर हमने जो 17.17 पानी है उसको लेकर कहा है, मैं मानता हूं इंडस ट्रीटी वाटर में हमने माना था हमने 15.8 परसें वहां से लिया है, वह इसलिए लिया है

[Shri Darbara Singh]

कि हमारे जो चैनल बेशक नहीं थी राजस्थान की लेकिन हमने उसको पानी देने के लिये इंडस एरिया के नाम पर यह जो पंजाब और इस वक्त का जो हरियाणा है सारा पंजाब ने उसके लिए पानी मांग था। पानी सबको एक तौर पर हिन्दस्तान के तौर पर इन स्टेट्स को पानी देने के लिये यह फैसला हुआ था और 40 साल का एवरेज निकाल था। मैं उस समय वहां था जिस समय यह फैसला हुआ और जिन्होंने यहां अपने दस्तखत किए हैं। लेकिन एक तरफ नहीं मानती, वह कहती है कि सरप्लस पानी मुझे मिल जाए तो उसका फैसला कौन करे? आपने वह कि जल्दी फैसला नहीं किया। हमारे कम्युनिस्ट दोस्त ने भी कहा है कि जल्दी फैसला नहीं किया। पता है कि कितनी कमेटियां बनी हैं? उनमें क्या-क्या होता रहा है? यह एक लोग स्टोरी है। अभी तक सन् 1973 के दूसरे राज्यों में फैसले नहीं हुये और वे अभी तक वहीं के वहीं पड़े हैं। इसलिये अगर आप यह समझें कि यही फैसला आज से 5—10 साल पहले हो जाना चाहिये था तो ये गलत बात है। बहुत सी ऐसी कमेटियां बनानी पड़ी हैं जिनके बनने से पता चलता है कि कितनी जोर से कितनी हिम्मत के साथ सरकार ने कोशिश की है ताकि किसी न किसी तरह यह फैसला हो जाए। यहां पंत जी और एक और दोस्त, उनकी भी कमेटी बनी। उन्होंने भी जो चीफ मिनिस्टर वहां के थे, उन्होंने कहा कि उन्होंने अपनी रिकमेंडेशन दी हैं और वह फेल हुआ। इसलिये उन्होंने कहा कि यह वाटर कमीशन के पास जाए वह फैसला करेंगे। लेकिन वहां भी हो नहीं पाया। इंदिरा गांधी जी ने अपना फैसला करने के लिये जो फैसला किया था वह फैसला भी कोई मानने के लिये तैयार नहीं हुआ। इसके बाद हमारे राजीव जी ने, अपने प्राइम मिनिस्टर ने इसका फैसला करने के लिये जो 11 प्वायंट्स हैं एकोर्ड के दिए उनमें यह भी था 9.1 और 9.2 और फैसला करने के लिये यह बिल लाया गया है। इसलिये इसमें कोई अनकंस्टीट्यूशनल बात नहीं हैं। यह कंस्टीट्यूशन के मुताबिक लाया गया है। इसलिये मैं अर्ज करना चाहता हूं कि आप एसोरेंस सौ दफा मिनिस्टर इन्चार्ज से ले लें कि यहां इतना पानी आएगा, वहां इतना पानी आएगा मगर फैसला जो है, वह अपने पढ़ा है—हरियाणा और पंजाब का जो फैसल है, वह एडजूर्ड केशन ने करना है। आप वहां आ गए? बीच में आप कैसे आते हैं? आप आते हैं तो आइये, आप भी कुछ हिस्सा दे दीजिए। इसलिये मैं कहना चाहता हूं कि जो असेट्स हैं आपके, उन पर हम कोई दूसरी बात नहीं कहते, लेकिन एक बात कहते हैं हरियाणा के चीफ मिनिस्टर हों या पंजाब के हों, दोनों गैर-माहज्जब और बिल्कुल जिसको कहते हैं इरस्पांसिबल स्टेटमेंट देकर इस बात को खड़ा कर रखा है, वरना यह सब का हो जाता। मैं पूछना चाहता हूं जसवन्त सिंह जी से, वहां थे या नहीं ये पार्टी मीटिंग में, लेकिन पार्टी मीटिंग में जो फैसले होते थे, आया आपको किसी पार्टी ने यह कहा कि अकाली जो हैं, वह जो कर रहे हैं, उनको रोकिए। किसी ने नहीं कहा, सिर्फ उनकी मदद की, उनको यह दे दो, वह दे दो, सब कुछ दे दो... (व्यवधान)...

श्री इन्द्रदीप सिंह : किस ने नहीं कहा... (व्यवधान)...

SHRI DARBARA SINGH : Don't interrupt. I was a witness to that, to say that Punjab should be the same, it should be amalgmated. But it was not decided like that.

SHRI INDRADEEP SINHA : Who said it ?

SHRI DARBARA SINGH : I said it as Chief Minister there. लेकिन जो मैं कहने लगा हूं वह यह है कि आपकी किसी पार्टी ने यह मुझे दिखा दें, किसी पार्टी ने नहीं कहा था कि अकाली जो हैं यह गलत बात कर रहे हैं, इनके मूंह बन्द करने चाहिए। इनकी बात इतनी हद तक माननी चाहिए, इतनी हद तक नहीं माननी चाहिए। यह किसी ने नहीं कहा कि यह इलाके हरियाणा को जाने चाहिए और यह पंजाब को जाने चाहिए। ऐसी कोई बात नहीं हुई बल्कि यह कहकर चलते रहे है कि यह हो जाएगा, वह हो जाएगा और

वहां पर कौन नहीं गया, कई लोगों ने तो, मैं कहना चाहता हूं कि अमृतसर में जाकर उनको यह नहीं उकसाया, उनको यह नहीं कहा कि यह-यह करो। दुसूहों बातें क्या नहीं हुई? यहां पर हमसे कुछ कहा और वहां पर कुछ कहा। हमारे एक कम्युनिस्ट पार्टी के दोस्त ने कहा, मैं मानता हूं कि यह सारी बातें अमृतसर में हैं, यहां नहीं बल्कि अमृतसर के बाहर तरनतारन में और आज जो उनका झण्डा है, वह लगाया है आनन्दपुर साहिब में, सारे जितने हिस्टोरीकल गुरुद्वारे हैं वहां पर कब्जा करने के लिए काम कर रहे हैं? क्या कर रहे हैं यह लोग? माना उनकी सरकार बनी हैं, हम डेमोक्रेसी को मानते हैं, हम कम मात्रा में आए हैं हमारे पास 32 हैं और उनके पास 73 हैं। ठीक है सरकार चलाए। लेकिन हम कहना चाहते हैं कि वे अपने पांवों पर खड़े होकर टेररिज्म को खत्म करने की कोशिश तो करें। हम इस काम में उनके साथ है। हमसे या हमारी सरकार से जो चाहते हैं हम मदद करने को तैयार है पुलिस चाहते है तो पुलिस भेजी है वहा से जम्मू कश्मीर से उठाकर हवाई जहाजो पर आपको ला दी है। लेकिन आज सारे पंजाब में लगा हुआ है कर्फ्यू, बटाला में कर्फ्यू लगा है, नकोदर में कर्फ्यू लगा है फरीदकोट में कर्फ्यू लगा हैं, हरेक जगह पर लगा हैं किस किस के नाम गिनाऊं। आप यह क्यों नहीं कहते कि यह कर्फ्यू जो है यह इसलिए लगा हुआ है कि आपकी नाएहलियत है। आप इस पर क्यों नहीं जोर देते। सारी पार्टियां इकट्ठी होकर क्यों नहीं कहती कि आप टेरोरिज्म को मुकाबला करो। हम हटाने की बात नहीं करते है लेकिन हम यह भी नहीं सोच सकते इसको भी बर्दाश्त नहीं कर सकते कि बेगुनाह लोग सड़को पर मरे हुए दिखाई दे और वे लोग आराम से बैठे रहे। आप देखें आज हमारे आदमियो को जो सड़कों पर घूम रहे हैं जो बाजार में बैठे हैं जो दुकान पर बैठे हैं जो अपना काम कर रहे हैं उनको मार कर चले जाये और कोई बात हम न कहे। जिस आदमी ने बस से निकाल कर हमारे छह-सात आदमियों को बटाला के नजदीक मारा उसमें से जो आदमी मारा गया उसको टेररिस्ट ने मारा है क्योंकि उसने साथ छोड़ दिया था वह वही आदमी था जो छह आदमियों, सात आदमियो को मारने वाला था। आप उनके घर में जाकर उनके गले में हार डालते है आप कहते हैं बहुत अच्छा हुआ है। अब यह आदमी मर गया बहुत अफसोस हैं। अब सारे टेररिस्ट जिन्होंने दस-दस कत्ल किए हुए हैं आठ आठ कत्ल किए हैं, पांच पांच कत्ल किए हुए है ऐसे सौ दो, सौ टेररिस्ट को छोड़ दिया जाय तो वह किससे जाकर मिलेंगे? कत्ल करने वालों से जाकर मिलेंगे या कत्लना करने वालो से जाकर मिलेंगे? यह बैन्स कमेटी एक बना दी।

बैंस कमैटी ने जो किया वह नाकाबिले बर्दाश्त है और कहने के काबिल नहीं है। जो दूसरी चीजें हो रही हैं उनके बारे में इनफारमेशन दे सकता हूं, लेकिन वक्त कम है, मैं बहुत ज्यादा नहीं कहना चाहता कितनी चीजें उन्होंने कर ली हैं, उसके बाद भी हम बैठे रहें और आप यही कहते रहें कि कांग्रेस की गवर्नमेंट ने कुछ नहीं किया। आप उठ कर बतायें कि आप चाहते क्या हैं, आपके साथ हम चलने के लिये तैयार हैं। पंजाब का अमन हिन्दुस्तान के अमन से जुड़ा हुआ है। आइये, अपना हाथ ऊंचा करके कहिये कि हम प्रोसेशन में जाने के लिये तैयार हैं लाखों की तादाद में हम चलने के लिये तैयार हैं शांति के लिये। लेकिन आप तो नेशनल इन्टीग्रेशन कमेटी में बैठ कर कुछ बात करते हैं और वहां जाकर उन लोगों को कहते हैं कि फिरकेदारी ठीक है क्योंकि फिरके के नाम पर, धर्म के नाम पर लोगों को इकट्ठा करना आसान है। इसलिये उस आसानी के तहत आप बाहर जाकर कुछ कहते हैं, अन्दर कुछ कहते हैं। इसलिये मैं कहता हूं कि जो लोग दिल और दिमाग से इस बात के लिये तैयार है वे आयें और हम इकट्ठा होकर इस प्राबलम को हल करने का प्रयत्न करें। जहां तक पानी का ताल्लुक है, हमने और आपने कुछ नहीं करना, वह तो कोर्ट पर छोड़ दिया है। उस चीफ मिनिस्टर को यह कहने का

[Shri Darbara Singh]

किसने अधिकार दिया है कि पानी नहीं है हमारे पास इसलिये एस० वाई० एल० का सवाल पैदा नहीं होता, चंडीगढ़ नहीं मिला इसलिये दूसरे इलाकों का सवाल पैदा नहीं होता । आपने किया कुछ? यह सुनते हुए आप चुप हैं। जसवन्त सिंह साहब कांस्टीट्यूशन की धारा को इधर उधर करते रहे, । कांस्टीट्यूशन की धारा एक है और वह यह है कि सेक्यूलरिज्म प्रिवेल करें और यह न हो कि फिरकेदारी और कम्युनलिज्म की हवा सारे हिन्दुस्तान को लपेट में लेकर खत्म कर दें । किस जगह पर यह नहीं हो रहा ? कौन-कौन सेक्शन यह कर रहे हैं हमें पता। हैं हां, सी० पी० आई० ने कहा है, पंजाब के हालात को उन्होंने बहुत विस्तार से कहा है । हम कहते हैं कि हमारे साथ आइए, चल कर देखें तो सही कि ग्राउन्ड पर क्या है। यहां बैठकर बातें करने से कोई फायदा नहीं है कि कानूनी नुक्तेनिगाह से यह होना चाहिए, वह होना चाहिए, यह एग्जोरेंश मिलना चाहिये । मैं ज्यादा वक्त नहीं लेना चाहता, जो पार्टियां चाहती हैं दिल से पंजाब में अमन हो, हरियाणा और पंजाब के झगड़े खत्म हों उन्हें अपील कर अपील करनी है ।

अमरीका में बैठकर लोग क्या कर रहे हैं । 8-10 मिलियन रुपया देकर हमारे इस प्राइम मिनिस्टर और गुजरे हुए प्राइम मिनिस्टर को डेनीग्रेट करने के लिये लिखवाने की कोशिश कर रहे हैं । हमको डिस्टेबिलाइज करने के लिये और पाकिस्तान को मजबूत करने के लिये 30-40 मिलियन दे रहे हैं । क्या नहीं हो रहा ? जम्मू और काश्मीर के बार्डर पर क्या नहीं हो रहा । मैं तो यही चाहता हूं कि आप लोग आगे आयें, हमारी मदद करें । मदद नहीं देना चाहते तो यह तो बाहर जाकर मत कहो कि यह होना चाहिये । कांग्रेस के खिलाफ हवा पैदा करने के लिये बेशक अपनी पार्टी का इन्टरेस्ट सामने रखें, लेकिन एक बात सामने रखनी होगी कि हिन्दुस्तान एक है, एक कौन है, एक फ्लैग है, जिसके नीचे रहना है । हिन्दुस्तान को डिस्टैबिलाइज करने के लिये जो बाहर से और अन्दर से कोशिशें चल रहीं हैं उनको खत्म करना है। मैं बार-बार इसके लिये इल्तिजा करता हूं । कुछ लोगों ने मुझसे बात की । आप प्राइम मिनिस्टर से ही मिल कर कहिये हम मदद यह करने के लिये तैयार हैं । पंजाब पंजाब ही नहीं, हिन्दुस्तान है ।

मैं उसको हिन्दुस्तान के नुक्तनजर से देखता हूं । पानी का सवाल नहीं है । पानी का सवाल है तो उसे हल करने के लिये पानी दे देते हैं । पानी का झगड़ा खत्म हुआ । हम दूसरी चीजें भी करने के लिये तैयार हैं । प्राइम मिनिस्टर ने कब कहा है कि हम एकार्ड को नहीं मानते या उसको पूरा करने के लिये तैयार नहीं हैं । हमें आज हालात से आगे निकलना चाहिये । उसके लिये हम जम्मू काश्मीर में वहां तक पहुंचे ।

[उपसभाध्यक्ष (श्री पवन कुमार बांसल) पीठासीन हुए ।]

मुझे पता नहीं लगता कि क्या हो रहा है । आप तो पंजाब को हिन्दुस्तान का हिस्सा नहीं समझते । पंजाब हिन्दुस्तान का एक बहुत मजबूत हिस्सा है : उसने जंगों में हिस्सा लिया है । 1965 की जंग में जिन्होंने अपना खून दिया है उन का मुझे पता है । होम मिनिस्टर ने घूम-घूम कर उनको देखा है । लेकिन आप लोग अपनी जगह बनाने के लिये इस सरकार के खिलाफ लड़ने के लिये जो इक्कटठे हो रहे हैं वह इस लिये हो रहे हैं कि जो ताकत में हैं वह कहते हैं कि हम ताकत में ही रहना है और जो ताकत में नहीं हैं उन का कहना है कि हम को ताकत दी जाये । इसके लिये कोई हल बताइये । मैंने यहां एतराज ही एतराज सुने हैं, लेकिन अगर आप इस का कोई हल बतलायेंगे तो मैं मशकूर होऊंगा और मैं चाहता हूं कि इस लूट से हम निकलें और यह बिल इसी लिये लाया गया है कि पानी का मसला हमेशा के लिये हल हो जाय और आगे के लिये हमारे झगड़े इस को ले कर न हों और देश का डवलपमेंट हो और पंजाब हिन्दुस्तान का हिस्सा ऐसे ही बना रहे ।

SHRI R. RAMAKRISHNAN (Tamil Nadu) : Mr. Vice-Chairman, Sir, I welcome this Bill, as it is a follow-up measure of the Punjab Accord, and I do not think anybody can question the motives for bringing forward this Bill, as it is well intentioned.

Sir, in a country which is as wide and diverse as ours, with rivers flowing in all directions, from north to south and from east to west, there is bound to be an element of discontent in the sharing of river waters. This is made all the more serious when sensitive States like Rajasthan, Punjab and Haryana are involved. I only hope that the proposed Tribunal which has been set up under Justice Eradi will keep in mind not only the claims of all the States and the legal tenuousness, but also the spirit in which the Punjab Accord was signed by the Prime Minister with Sant Longowal. Sir, I as a patriotic Indian, would not like to see this country balkanised as some of our enemies would see it. And with the situation in Assam and Punjab hotting up, the Prime Minister had shown a lot of insight and foresight when he brought forward an accord in the respective States. And now we should take care to see that extraneous matters, irrelevant issues and unimportant issues are not raised before the Tribunal or during the discussions which will cloud the merits of the entire case. As my friend Mr. Sukomal Sen was touching upon, on this occasion I must also voice that concern about the growing lawlessness which is now again overtaking Punjab. This should be contained; as they say, it should be nipped in the bud. Particularly the news which is emanating in the foreign as well as the Indian Press that arms of all kinds are being piled up in the Golden Temple and other gurdwaras is a cause for great concern, and unless the situation is tackled, both firmly and tactfully, I think it will be something much worse than what it seems. Therefore, I would request the Government on this occasion to take note of what is happening there. I know that the Prime Minister has been taking some steps by calling the Chief Minister, Mr. Barnala, and others. But it is not sufficient. At the same time, what is called for is a certain amount of give and take and a statesmanship on this occasion. The States of Punjab, Haryana and Rajasthan are involved.

Sir, on this occasion, I would only like to say that the Constitution is a little vague on the subject of river waters. Sir, while the inter-state river water projects are included in the Seventh Schedule, utilisation of water resources is a State subject. This is where the problem comes. The Constitution must be so amended as to make inter-state rivers the property of the nation. I think this can solve the problem for our country. India with all its rivers has 1645 billion cubic meters of water out of which hardly 10 per cent has been utilised. Therefore, until and unless all the inter-state rivers are declared as national rivers, these problems will keep on arising. However, this does not mean that there should be a parallel infra-structure. More than 80 multiple river projects are pending. Their value is several crores of rupees. They are all locked up in inter-state river water disputes denying the nation much-needed electricity and water for irrigation purposes. By 2000 A.D. our population will be doubled. If our agriculture is to improve, it is absolutely essential that our water resources should be given the maximum attention. I would therefore, strongly urge that all the inter-state rivers should be declared as the property of the nation.

Sir, before concluding, in this connection I would like to refer to two related issues which have been pending for a long time. One is the Cauvery Water Dispute about which our hon. Minister is well aware. He himself hails from the State of Karnataka. Here I would appeal to him as the Minister at the Centre to intervene and bring about a proper settlement of the long-standing Cauvery Water Dispute. The 1924 Agree-

[Shri R. Rama krishnan]

ment has ended in 1974. Several rounds of talks were held between the Chief Minister. Mr. M.G. Ramachandran and the Chief Minister, Mr. Ramakrishna Hegde. But no settlement has been brought about. Many of the issues have already been thrashed out and the differences narrowed down. I would now request the Minister to convene a tripartite meeting and see that the Cauvery Water Dispute is thrashed out. In this connection, Karnataka is objecting to our building the hydel station on our side at the tail end of the river. It is highly objectionable. I would request the Minister to see that it is cleared early.

In the same connection, I would like to say that there is another river which is flowing not through one or two States but through five States. It is the Krishna river. The Telegu Ganga Project should be cleared by the Centre immediately. Of course, there are some small problems which are being raised by Maharashtra and Karnataka.

It is the Madras city for which this project was mainly started. Fifteen T M C of drinking water for the Madras city was the main object of this. Irrigation of Rayalseema was incidental. But now the way Karnataka and Maharashtra are questioning the Bachawat Tribunal Award, it appears that Telegu-Ganga Project may not become a reality. Cost escalation will be there. Therefore, I request the hon. Minister to have an immediate look into the Telgu-Ganga Project and see that the starving millions of Madras city are provided with drinking water. I welcome this Bill.

SHRI M. P. KAUSHIK (Haryana) : Mr. Vice-Chairman, Sir, I rise in support of this Bill. The Inter-State Water Disputes (Amendment) Bill is a direct corollary of the Agreement reached between the worthy Prime Minister and late Sant Longowal. It gives the way to settle a long-standing dispute between Punjab and Haryana for the distribution of water River waters, to my mind are not the property of individual States.

3 P.M. It is a natural gift to the people living in a particular or a certain area of the land. Our country is protected by the Himalayan ranges which also ensure a perennial supply of fresh water in the rivers. If I talk of the Northern region only, I think in the Northern region, there are six rivers. On the partition of this great country between Pakistan and India, there was a little dispute about the sharing of the waters in the Indus Basin as it is called. And with the good offices and under the aegis of the World Bank, it was decided Pakistan was given financial aid by the World Bank as well as by the Indian Government-- that the three rivers-- the Indus, the Jhelum and the Chenab will be used for the irrigation of the Pakistan territory, and the remaining three rivers--the Ravi, the Beas and the Sutlej--will be used mainly for the irrigation of the arid lands of India, particularly Rajasthan and the combined Punjab at that time. This was the agreement reached at, and the sharing of water from these rivers was under these conditions. Rajasthan was given 8.6 m.a.f. of water. Delhi was given potable water for drinking purposes. And Haryana was given 3.5 m.a.f of water because it had got the minimum net-work of canals and maximum land for irrigation. The present Punjab, a part of the composite Punjab was given 4.22 m.a.f. of water. Even at that time, there was some little favour shown to Punjab. Had they considered the total requirements of the arid land which was the part of Haryana, our share would have been much greater than what it is. And the present situation is that at the present moment, our elder brother, the present Punjab is not prepared to even give us the meagre share which has been allotted to us earlier which was allotted to us in 1976, which was allotted to us in 1981. And now there is a scheme of things to settle this thing once for all. I welcome this Bill. I only pray that this issue is not viewed

with a narrow angle of narrow loyalties of a region. It should be considered in the broader aspect of an integrated India, of producing more grains to feed the millions of mouths, to eradicate poverty and to create more national wealth so that our nation becomes strong. If this broader aspect is kept in view, I don't think there is any problem to solve this issue. It is a very simple affair. Under this amendment to the Inter-State Water Disputes Act, 1956, these things can be settled out through the agency of a Commission consisting of these Judges and two Assessors. My humble suggestion at the moment is that the entire nation should look at this problem with a broader perspective in the national interest and encourage and try to enforce on the Authorities concerned the Agreement reached or the Award given by the Tribunal. This is the only crux of the problem. If we look at this in this way, there is absolutely no problem. But there are certain doubts. But those doubts, to my mind, are superficial. They are not really genuine doubts. But once the question of a doubt arises, the doubt remains as a doubt. It takes very long to remove it. One doubt is the statement by the worthy Chief Minister of Punjab that there is no water to distribute. It is a very great doubt. Such statements should not be made by such persons in high positiotins. Maybe, it was only for the local consumption. But to maintain law and order in a State and to keep the integrity of the Government, such statements are better to be avoided. Rather they create some instability and I think these are some such statements of the worthy Chief Minister of Punjab which have resulted in such a chaotic condition in Punjab at the present moment when there is curfew in more than half a dozen towns of Punjab. I am, Sir, one of those who do not visualise such a situation in any part of the country. It weakens our States. It is against the national interest. It ultimately may lead to the disintegration of the country. I think none in the opposition will be ever ready or even think of it in terms that such a situation may arise. Therefore, I plead with them that they should whole-heartedly support this Bil and ensure a fai distribution of water to the region to which it belongs.

श्री सुशील चन्द मोहन्ता : दो चीजें कैसे हो सकती हैं ?

SHRI M.P. KAUSHIK : It is possible if you like it and if you do not pay attention to it, it may not be possible at all. The quantum of water is fixed as Sardar Darbara Singh expressed namely, that over an average of 40 years the quantum of water has been fixed, and then 8 million acre feet of water has been allotted to Rajasthan. Let Rajasthan share be as it is. There is no dispute about it. But the question is about the sharing of the remaining portion of water, which is to be shared in between Haryana and the present Punjab in the ratio of 3.5 and 42 and I think it is possible. What is the difficulty in it. Now the question arises that the other party which is at present seems to be, reluctant to implement this, is to be brought round and made to agree to follow the right path for the greater interest of the country, and for that I still maintain that it is the bounded duty of every one of us, wherever we are sitting it makes absolutely no difference it is a national question and it should be viewed in that light, every party, every political party worth the name in this country, to contribute positively towards the solution of this problem. Therefore, Sir, one more request I have to make. The Longowal Agreement had certain basic concepts and those basic concepts were transfer of Chandigarh to Punjab, transfer of Hindi speaking villages as it were done by the late Prime Minister, Shrimati Indira Gandhi, to Haryana and the digging of SYL canal to bring the portions of water of the Ravi, the Sutlej and the Beas to the grid which carries it to Haryana. The SYL canal working has stopped for the last couple of months. Stoppage of work betrays certain things which could not be anticipated when the agreement was signed. My request to my elder brother in Punjab, the Government there

(Shri M. P. Kaushik) and the people over there, is that they should honestly abide by the agreement and unnecessarily not create problems for themselves and others, and let a peaceful solution prevail in the greater interests of India and in the best interests of our motherland.

SHRI MADAN BHATIA (Nominated) : Mr. Vice- Chairman, Sir, I rise to support this Amendment Bill. This Bill has been used to launch a political tirade against the Government. But this is not the occasion for me to enter the arena of political controversy. The Bill has also been attacked on constitutional grounds as bein g*ultra vires* the powers of Parliament to make this law.

The gravemen of this Constitutional attack has been that under article 262 of the Constitution, Parliament can only make law with regard to disputes concerning inter-State rivers and these three rivers are not inter-State rivers. I respectfully submit, this attack is based on Constitutional misconception, geographical misapprehension and blatant logical contradiction. These rivers are international rivers. Ravi and Beas, geographically speaking are inter-State rivers, but I do not wish to emphasize that particular point. But what is important is that these rivers are international rivers. It is by virtue of an international treaty that the waters of these international have become exclusively vested in India. These rivers, under the international treaty, have not gone to any particular State of India. They have become vested in India as the property of India under the Indus Water Treaty, 1960. This was the treaty between India and Pakistan because these rivers which flowed through the united Punjab before independance, formed part of United India. When India was bifurcated the question arose as to what would happen to the waters of these rivers which flowed through the united Punjab. This dispute arose between the two independent sovereign countries. After long and prolonged negotiations, stretching from 1948 to 1960, India and Pakistan entered into an international treaty which is known as the Indus Waters Treaty 1960. And it defines—there are two definitions it says 'Eastern rivers' and 'Western rivers'. Clause 5 of article 1 says: "The term 'Eastern rivers' means Sutlej, Beas and Ravi taken together. The term 'Western rivers' means the Indus, the Jhelum and the Chenab taken together." Now so far as Eastern rivers are conerned, article 2, sub aritcle 1 of this international treaty provides: "All the waters of the Eastern rivers shall be available for the unrestricted use of India, except as otherwise expressly provided in this article." I respectfully submit that it is this international treaty by virtue of which these three rivers, which otherwise geographically are international rivers, have become the exclusive property of India. But under this treaty, it is not possible to say on this part of Punjab that 'this particular river belongs exclusively to me'. It is not possible for Rajsthan or Haryana or any part of India to say that 'its particular river belongs exclusively to me.' These three rivers being international rivers by virtue of an international treaty become exclusive property of India as a whole. If that be so, I respectfully submit any law which has to be made or which may be made with regard to distribution and utilisation of water of those rivers which have become vested in a particular country as a result of an international treaty, those laws under our Constitution have to be made by Parliament by virtue of two provisions in the Constitution and there are two entries. One is Entry 14 of List 1 Schedule 7. The other is residuary Entry, Entry 97. Entry 14 of Schedule VII of List I gives the exclusive power to Parliament to make laws. It says Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries. I respectfully submit Sir, that where a property has become vested in India as its own exclusive property by virtue less of a particular treaty, then, the utilisation of that

property is in implementation of that particular treaty.

Sir, this law which is being placed before us has to be traced either to Entry 14 which I have read or to the residuary Entry, Entry-97, which says: 'Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists. There are three Lists, we all know. There is no Entry in any List with regard to the utilisation of international waters or international rivers, which have become the exclusive property of India by virtue of an international treaty. There is no such Entry in List II which gives exclusive jurisdiction to the States to make laws. There is no such Entry in List III regarding Concurrent Entries and Concurrent List. The only Entry under which laws can be made with regard to the utilisation of waters of those rivers which are international rivers geographically, but became exclusive property of India by virtue of an international treaty; if these laws are not covered by Entry 14, they can only be covered by Entry 97. This is one aspect of the case.

The second aspect of the case, Sir, is that, on the one hand, the hon. Member said that they are not inter-State rivers and, therefore, no law can be made by Parliament. On the other hand, in the same breath, the hon. Member said that united Punjab was bifurcated or trifurcated and the assets of Punjab had to be divided between the two emerging, bifurcated, States. If that be so, the contrdiction is glaring, Because article 2 says that it is the Parliament and Parliament alone which has to determine the boundary of States and which can, by law, create new States, by taking away the territory of a particular State and by bifurcating it into a new State. This is what happned in 1956 when the Punjab Reorganisation Act was enacted and the erstwhile Punjab was divided into Punjab and Haryana. The law was made by virtue of article 2 of the Constitution. Then there is article 4. It says, article 4 of the Constitutions says,-- I will read this particular article—'Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be neessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions including provisions as to representation etc as Parliament may deem necessary. 'This article covers the power of Parliament to make laws with regard to distribution of assets and properties of the erstwhile united Punjab. It is by virtue of article 4 that section 78 of the Punjab Reorganisation Act was enacted and that in terms has provided that the Central Government may, by order or by law, decide with regard to the distribution of the waters of those prticular rivers which have been mentioned in section 78 namely, Bhakra and Beas .I respectfully submit that this is another provision of the Constitution to which this Particular Bill can be traced, but so far as Rajasthan is concerned, how do we justify that Rajasthan can also come in ? Rajasthan comes in by virtue of the international treaty on account of which these rivers have become the property of India. (*Time bell rings*) I respectfully submit, I want only one or two minutes more.

Then, the hon. Member has said that so far as article 262 is concerned, it talks of inter-State river and these are not inter-State rivers. Geographically speaking, it is incorrect, these rivers are not exclusively the State rivers of Punjab, they are inter-State rivers. They start from Himachal Pradesh, pass through Punjab and then they enter Pakistan. These are not the rivers which geographically flow exclusively through Punjab. If that be so, article 262 does not say that if a dispute arises between only those two States through which the rivers flow only then Parliament will have the jurisdiction to make the law. Parliament will have the jurisdiction

Shri Madan Bhatia

to make law for adjudication of any dispute. It may arise between evens those States through which the river-do not flow provided they are inter-State rivers. These rivers are inter. State rivers, they are not State rivers. Even if we exclude those portions of the rivers which pass through West Pakistan, they are inter-State rivers and disputes have arisen between those States--those States may not be those States through which the rivers flow. Therefore, I respectfully submit that even on the plain language of article 262 this Bill can be justified, I also respectfully submit that to read article 262 in a manner in which the hon. Member has tried to read is to restrict the ambit and scope of the constitutional provision which is countary to all norms of interpretation of a constitutional document.

Lastly, Sir I respectfully submit that this Bill was used to launch a political tirade against the Government. It has been said from the floor of this house that this Accord was entered into by the prime Minister with a communal part I would ask the hon. Member who happened between 1982 to 1984 from the floor of this hon. House Almost every next day the Members on that side would stand up and would launch a tirade against the Government by saying why the Government is not entering in settlement or having negotiations with the Akali party. They were the talking horse. for the communalism of the Akali Party. It was opposition parties which made a bee-line to Vijaywada, held conclaves with the Akali party and entered into attacks against the secular Government of the day So do not expect any consistency in their approach. They talk Gandhian socialism but they do not know what it is. They believe neither in Gandhian nor in socialism They cannot spell out the meaning and the ambit of Gandhian socialism. They are frighting between themselves as to what Gandhian socialism is. Shakespeare has said : To thine onself be true and it will follow as the night the day, thoucans't be false to no one. If you not true to yourself, how can we expect you to be trun to the secular Goverment of the day ?

SHRI P. BABUL REDDY (Andhra Pradesh) : Sir, I thank you for the opportunity you have given me to participate in this discussion.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL) : Five minutes only. That is the time alloted to your party.

SHRI P. BABUL REDDY : You have given so much time to others. Anyway, I will try to be brief.

Sir, this Bill has been brought forward to implement the provisions of the Accord what is known 'Punjab Accord'. Most of the opposition parties have hailed this Accord and, therefore, we cannot be justified in opposing this Bill.

But I would like to point out that the Government itself has said in the Bill known as the Ravi and Beas water bill, which is now withdrawn that the Punjab Accord was meant to be implemented within six month. Sir this Bill itself shows that there is a breach by the Government in implementing the Accord was 24-7-85. The ordiance to constitute a Tribunal was made for the first time on 24th January, 1986, 1986, i.e. nearly 6 months afterward The Government took six months to constitute a Tribunal. And that Tribunal also has now become futile because that Bill has been withdrawn and a new Bill by way of amendment to the Act has been brought forward before Parliment. The pity is that we are showing very great urgency into accords but the same urgency is not followed up in action. The same is the case with the Assam accord also. Wide publicity was given to that Accord was signed between 2 and 3 a.m. So they were sitting till 2 and 3 a.m. in the interest of the country and the Accord was arrived at. But what is the fate of what Accord also? The most salient feature of the Assam Accord is particularly with regard to over all economic development which was envisaged for that helpless States. But no step have been taken till now

Similarly, here six months afterwards, the original Bill put forward, namely the Ravi and Beas Waters Bill, has been withdrawn and this Bill is now put forward before this august House.

Now, I will say something about the constitutional validity. My friend on the other side has said that this can be traced to Art. 262 also. Some other friends said that Parliament itself has no authority. I submit that both are wrong. I am of the humble opinion that art. 262 does not apply because it is a case of inter-State rivers. Not only inter-State rivers but even rivers that begin in Himachal Pradesh. There must be a dispute between two independent States. This subject has arisen not as dispute but as a division of assets consequent upon the creation of new States as a result of bifurcation of a united Punjab. So this falls very readily under Art. 4.

[The vice Chairman (Shri Santosh kumar Sahu) in the Chair.]

This is a supplemental or incidental matter concerning the division of the State or forming of new States which will fall under Act. 4 of the constitution. My humble submission is that Parliament has power but it is traceable to Art. 4 but not to Art. 262.

Then one more thing I want to point out. There is one constitutional infirmity in this Bill. Originally in the Ravi and Beas waters Bill there was a provision about ousting the jurisdiction of all the courts. The ousting of jurisdiction of all courts has been interpreted by the High Courts and Supreme Court as any Act made by Parliament ousting the jurisdiction will have the effect of ousting the jurisdiction of High Courts—under Article 226 and of Supreme Court Under Art. 32 and 136 of the Constitution. Any Act made by Parliament, unless it is an amendment, would take that way. But the position is different if it is an inter State dispute relating to inter-State rivers. Article 262(2) says that the jurisdiction of the Supreme Court is also taken away in respect of that when the matter is entrusted to the Tribunal. So unless it falls within the ambit of Art. 262 namely it is inter-State river or inter-State valley and there is an inter-State dispute, then only Art. 262 would be attracted, then only the umbrella or immunity under Art. 262 can be invoked. Now by virtue of this amendment to the Inter State water Disputes Act, 1956, introducing a new section and in that section by merely saying that all the protections given to the other Tribunal would be extended to this Tribunal, you will not secure the immunity under Art. 262 unless Art. 262 itself is satisfied. I think that inspite of this amendment to the 1956 Act and inspite of the fact that this Act proclaiming that the entire powers including the ouster of jurisdiction of the Court is secured to this Tribunal, Parliament will not be able to successfully do that because no Act, unless it comes under article 262, can take away the rights of the Supreme Court and the High Courts. Sir, this is a lacuna in the Act itself with regard to the ouster of the jurisdiction of the Supreme Court and the High Courts.

On merits I say, my friends have stated that the entire water that was available in united Punjab has already been consumed by 1.7.1985. Now what this Tribunal has to do is, first they must quantify what was the water that was used up to 1.7.1985. Then if there is balance, the Tribunal has to take further action. If at the first stage itself it is exhausted, there is nothing and the Tribunal cannot divide a Zero. So this would be an exercise in futility, in my humble opinion, and there is unnecessary delay.

Government is not taking prompt steps to implement the accord. Within six months not only it should have constituted the Tribunal but also the Tribunal should have given the decision and that decision should have been implemented within six months. But now, after eight months they are constituting the Tribunal and this Tribunal is given Six months once again This is not the way

[Shri P, Babul Reddy]

to act in an expeditious manner. Although everybody is very sorry for what is happening in Punjab, any patriot cannot wink at it. He will only feel sad at it, Shed tears—whoever has got the interests of the country at heart. But I think that the Government should have acted more expeditiously and solved these problems as envisaged at the time of the accord itself, within six months. This is my submission.

श्री भुवनेश चतुर्वेदी (राजस्थान) : सभापति जी, मैं बिल के समर्थन में बोलने के लिए खड़ा हुआ हूं । कहा यह जाता है कि राजस्थान इस डिस्प्यूट का हिस्सा नहीं है और राजस्थान इससे कवर्ड नहीं होता । इसके बावजूद मैं राजस्थान के हितों के लिए और राजस्थान के पक्ष की बात करने के लिए यहां उपस्थित हूं । मैं मानता हूं कि बिल के कुछ प्रेक्टीकल या कंस्टीट्यूशनल पाइंट पर सवाल उठाना कोई उपयोगी नही है । सवाल यह एक राजनीतिक प्रश्न है और उस राजनीतिक प्रश्न को उसी तरह से सुलझाया जा सकता है ।

महोदय, मैं इसकी ऐतिहासिक पृष्ठभूमि की तरफ ध्यान दिलाना चाहता हूं । जब सन् 1920 के लगभग राजस्थान की तत्कालीन बीकानेर रियासत और पाकिस्तान में स्थित तत्कालीन बहावलपुर स्टेट के बीच और ब्रिटिश सरकार के बीच, इन तीनों पक्षों के बीच एक समझौता हुआ था और उस समझौते के आधार पर बीकानेर को जो गंग-केनाल उस समय बनाया गया था, उसका इसको पानी दिया गया अर्थात् मेरा निवेदन करना है कि राजस्थान उन प्रांतों में से है, जो सबसे पहले पानी का हकदार बनता है । अतएव किसी भी तरह से राजस्थान के हितों की रक्षा की जानी चाहिए । प्रधानमंत्री जी ने भी बार-बार यह कहा है कि राजस्थान के हितों की रक्षा की जाएगी और राजस्थान के हितों पर कोई आंच नहीं आएगी । उससे हम आश्वस्त हैं । फिर भी मैं यह निवेदन करना चाहता हूं कि राजस्थान वह सब से पहला राज्य है, जिसका पानी पर हक बनता है ।

दूसरा ऐतिहासिक तथ्य इण्डस रिवर ट्रीटी है । यह जो पाकिस्तान और भारत के बीच में हुई, मुख्यतः राजस्थान के हितों की रक्षा के लिए, राजस्थान के रेगिस्तान को हरियाला बनाने के लिए, राजस्थान की मरूभूमि में अन्न पैदा करने के लिए और वहां के निवासियों की आर्थिक स्थिति दृढ़ करने के लिए बुनियादी तौर पर हुई थी । इण्डस वाटर ट्रीटी जो 1960 में हुई, उसमें अगर राजस्थान का क्लेम नहीं होता, तो संभवतः हमारे देश को इतने सब कुछ सुविधाजनक ट्रीटी के भाग नहीं मिल पाते । इसलिए दूसरा ऐतिहासिक तथ्य जो है, इसकी ओर मैं ध्यान आकर्षित करना चाहता हूं और निवेदन करना चाहता हूं कि सन् 1920 हो या सन् 1960 हो, राजस्थान उसमें अग्रणी रहा है, अतएव राजस्थान का इसमें भी पूरा -पूरा हिस्सा बनता है बल्कि जो कुछ देश में इस इण्डस वाटर ट्रीटी के बाद हुआ, उससे राजस्थान को हिस्सा जाना चाहिए ।

इसके साथ ही साथ यह भी निवेदन करना चाहता हूं कि जो वैस्ट राजस्थान है, बीकानेर और जैसलमेर वह इन्डस बेसिन में आता है । इसलिए इस बैसिन का इन्टीग्रेटेड डेवलपमेंट करना उपयुक्त होगा । आज राजस्थान और देश के हितों की रक्षा एक बन गई है । अतः मेरा निवेदन है कि किसी भी हालत में राजस्थान के हितों की रक्षा की जानी चाहिए क्योंकि राजस्थान सर्वप्रथम राज्य है जिसकी वजह से यह सब कुछ देश को मिला है ।

तीसरी बात यह है कि जो कुछ भी हुआ है, जो पंजाब एकार्ड है या जो बिल लाया गया है उसको आनन्दपुर साहब प्रस्ताव की पृष्ठभूमि में देखा जाना चाहिए । मैं निवेदन करना चाहता हूं कि आनन्दपुर साहब प्रस्ताव पास होने के समय केन्द्र में जनता पार्टी की सरकार थी और उस समय के सिंचाई मंत्री वे थे जो आज पंजाब के मुख्य मंत्री हैं, क्यों नहीं उन्होंने उस समय वह दूरदर्शिता दिखाई जिसका आज वे ढोल पीट रहे हैं, क्यों नहीं उन्होंने अपने समय में इस समस्या का समाधान किया । आज जब केन्द्र में कांग्रेस की सरकार है अपनी असफलताओं को वे उस पर डालना चाहते हैं । इससे साफ जाहिर है कि केवल राजनीतिक लाभ उठाने के लिए ये मुद्दे उठाए गए हैं । आज देश इन सब बातों से आगाह हो गया है और पाखंड और हिपोक्रेसी पर देश भरोसा नहीं करेगा ।

इसके साथ ही साथ मैं निवेदन करना

चाहता हूं संक्षेप में कि यह सब मानते हुए कि राजस्थान डिस्प्यूट का पार्ट नहीं है, राजस्थान का क्लेम सबसे वाजिब क्लेम है, चाहे लीगल, कांस्टीट्यूशनल या हिस्टोरिकल पोइन्ट आफ व्यू से देखा जाय । मैं संक्षेप में निवेदन करना चाहता हूं कि आज राजस्थान क्या चाहता है । राजस्थान चाहता है कि पंजाब रिआर्गनाइजेशन एक्ट 66 के तहत जो हैडवर्क्स हैं उनका प्रबन्ध भाखड़ा-व्यास मैनेजमेंट को सौंप दिया जाय । दूसरे राजस्थान का पानी का हिस्सा जो 8.60 एम०ए०एफ०है और जो कुल पानी का 52.70 है उसमें किसी भी प्रकार की कमी न हो । तीसरा निवेदन यह है कि जो रिमेनिंग वाटर की बात कही जाती है, जो 9.2 आता है वह क्या है । रिमेनिंग वाटर वही है जो राजस्थान का हक बनने के बाद बचता है । उसी का फैसला आपको करना है । चौथी बात जो बहुत महत्वपूर्ण है वह यह कि एस०वाई०एल० कनाल को, जिसको एग्रीमेंट के तहत नैतिक जिम्मेदारी के रूप में पंजाब सरकार को शुरू करना चाहिए था और समाप्त कर देना चाहिए था, लेकिन कथनी और करनी में फर्क करने वाली सरकार ने एस०वाई०एल० के काम को शुरू नहीं किया, बल्कि ठप्प कर दिया । मैं निवेदन करना चाहता हूं कि इस कनाल के काम को अगर पंजाब सरकार नहीं कर सकती तो उसे केन्द्रीय सरकार अपने हाथ में ले । धन्यवाद ।

SHRIMATI AMARJIT KAUR (Punab) : Mr Vice-Chairman, Sir, the Inter-State Water Dispute (Amendment) Bill of 1986, is a timely and politically wise legislation brought out by the Government to fulfil the clauses in para 9 of the Punjab Memorandum of Settlement of 24th July, 1985, signed by our hon. Prime Minister and the late Sant Harchand Singh Longowal. The clause of this Bill are to become inclusions within the provisions of the Inter-State Water Dispute Act of 1956, thus giving the River water disputes between the States of Punjab, Haryana and Rajasthan an old base, thereby allowing for a touching of several plausible clauses of the 1956 Act for obtaining an equitable solution to this vexing problem from its very inception.

The incorporation of this Act within the Act of 1956, also produces a correct perspective of the dispute as being just one of the several river water disputes of this country without giving it a special status. This is as it should be. Besides, it will open doors to equate judgements of previous Tribunals created by this Act, to the contentions of parties in the present case.

This would mean a thorough deciphering of the allocation of River waters to the land-masses constituting the two States existing then *i*,e, the old Punjab and the Patiala and East Punjab States Union. This land-mass stretched from the boundaries of Jammu and Kashmir and Shimla in the north reaching Delhi and Rajasthan in the south. It will have to take into consideration the then Master plans evolved and the progressive changes involved from time to time—at least upto the time when the then Akali Government brought about in 1966, the creation of two major States of Haryana and greater Himachal Pradesh out of the very vitals of Punjab. The present day disputes between the mother and her two casarean children are due to this forced surgery done in 1966 by the Akali Dal.

Prior to the creation of this tiny State of Punjabi Suba—now called Punjab—the allocation of waters to the land-mass of the Punjab was 7.20 MAF to Rajasthan 8.00 MAF and to J&K it was 0.65 MAF. This was mutually agreed upon on 29th January, 1955 and there was no dispute thereafter till ten years later in 1966. Subsequent progressive economic developments of the involved States had caused acute shortages of fuel, power and irrigational waters leading to a grabbing instinct and a "dog-in the manger" attitude by the Akali party in the Punjab. For their vested interests, they converted the economic demands of the State into religious demands and took illogical postures and indulged in antinational outbursts, leading to the State of Punjab becoming a playground for criminal traitors and religious bigots-- to the

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benefit of our exploiting and gleeful neighboburing country—Pakistan.

The present dispute entails such varied and contradictory contentions put forward by all States concerned—some logical and justified and some seeming to be so. My State of Punjab has put forward its case on the basis of the River Waters flowing through its land thus creating for it the sole riparian rights over these waters. Yet the contention of Haryana is that before the odour of its existence came about prior to 1966, her landmass was part and parcel of the then greater Punjab, which was on 29th January, 1955, allocated 7.20 MAF of the waters and therefore every inch of the land that now constitutes Haryana is entitiled to equal share of water decided then on this undivided land-mass. It firmly believes that the basic economic rights of a land-mass do not just disappear because of the political divisions of it.

Rajasthan on the other hand, stresses mainly on the moral and the national aspect of her case—that is-that she is a totally arid State with no sources of waters of her own. It is her right as part of India to seek for a natural source to obtain economic emancipation for her people and the State-and, the obvious and natural source was flowing in her sister State of Punjab in the North. 8.00 MAF was allocated to her in 1955 by mutual agreement as a just necessity in nation building. The concept of 'Source Riparian Rights' was brought out by some Himachal Pradesh leaders. Their contention have two parts to prove their claim. The first is that 40 per cent of its present land mass was part of Punjab—and their rights to the waters to the extent of the greater Punjab lands being merged with them remains intact. Their second contention is that their rights are insured by the fact that all three river sources have their starting points and flow through her territory—and this entitled them to claim their river water rights as 'Source Riparian Rights".

THE VICE CHAIRMAN (SHRI SANOTSH KUMAR SAHU): Pleas try to conclude within two minutes.

SHRIMATI AMARJIT KAUR : All right. They further contended that they should not be ignored because their economic condition does not allow them the resources to harness their share of these river waters—under the circumstances, on receiving their rights they may sell their share of waters to highest bidder every year—and the finances obtained used towards the economic develoment of the State.

As a Punjabi Sir, I would very much like to see Punjab being given the benefit of the doubt and maximum water being allocated to it to sustian its example of progressive agriculture to the benefit of the entire country. But, as an Indian first, I must not do so by stepping on the rights and needs of my sisters in neighbouring States, by creating a blatant communal situation to bully and blackmail the entire nation into falling in line for my needs alone. This was the interplay of the past Akali leadership which brought to nought an entire community. In this light, Sir, it is hoped that this new Akali Dal leadership will realise that the mixing of politics with religion amounts to propagating adultery in their own homes and to their children. They must beware of this exploitation and misuse of our religion by bigots and fundamentalists amongst them and take quick and hard measures against terrorists seeking to impose their will on them. Thus this Bill, Sir, will give the present Akali leadership an avenue to fight a cause on a national plane, rather than from the pulpits of Gurudwaras. I think Sir, they must be encouraged to be courageous.

Because of this amended Act, Sir, I visualise an eventual fair and an equitable solution to this problem but, I also see a lengthy time factor involved, because of the indepth study to be made on every aspect of the case. To this, Sir, I request the Govenment to allow for a reasonable time bound solution, taking into consideration all eventualities that

may arise from time to time. I also visualise unnecessary bickerings, slogan shoutings and provocative statements being indulged in by parties concerned during Tribunal hearings and more so, terrorist activities going on the increase to sabotage the proceedings of the Tribunal. This must not be allowed to happen.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU) : Please conclude.

SHRIMATI AMARJIT KAUR: I am concluding, Sir. Strong security measures must be ensured by the Central Government regarding the personnel and proceedings of the Tribunal. It is important, Sir, that the aura of the Tribunal formed, must be on par with the highest court of law in this land and punishments for breaches of discipline by any involved party must be meted out accordingly. This act, Sir, must be made to succeed and that too at the earliest.

With these few words, I support this Inter State Water Dispute(Amendment) Bill, 1986. Thank You.

SHRI INDRADEEP SINHA : (Bihar) : Mr. Vice-Chairman, Sir, I rise to speak in support of the Bill. I rise to speak in support of the Bill because I consider this Bill to be a step, though rather a belated step, in the direction of implementation of the Punjab accord. We all welcomed the Punjab accord. I wish my friend, Sardar Darbara Singh, was here. We all welcomed the Punjab accord, not because it was signed between the Prime Minister and the leader of a Communal party, as was alleged here. It was rather amusing that the leader of one communal party was complaining that the Prime Minister signed an accord with the leader of another religious party. I was rather amused to hear this comment. We need not go into that. We welcomed that accord because it gave hope and showed the way for the solution of a very vexed problem which had threatened the unity and integrity of India.

Now, at the outset, I would like to state that the frontier between India and Pakistan across Jammu and Kashmir, Punjab and Rajasthan, is more or less an open frontier. There are no natural barriers. So what was our strongest line of defence? Our strongest line of defence was the unity and patriotism of the people—the unity and patriotism of the people of Jammu and Kashmir, the unity and patriotism of the people of Punjab, and the unity and patriotism of the people of Rajasthan. Now, unfortunately, due to the growth of communal and divisive trends, that unity is getting undermined, which is our worry. That is, our natural defences are cracking up. That is why we are concerned, and that is why we welcomed the accord. And that is why we deplore so much the drift and delay that has taken place in the implementation of the accord.

Sir, my friend, Shri Darbara Singh, was complaining that all the Opposition parties were supporting the Akalis in the tri-partite talks. That is not true. My friend, Shri Darbara Singh was also probably present at some of the talks; I was also present; and we have documentary evidence to show that his allegation is not tone. A meeting of 16 Opposition parties was held in Delhi on the 30th June, 1983. The BJP was not present. They did not join that "conclave," as it was called. And what did that meeting decide on the question of the water dispute? I am reading out from the statement of that meeting:

> "On the river waters dispute also, a broad understanding was reached with the help of the Opposition parties during the tri-partite talks to refer the dispute to a tribunal under the Inter-State Water Disputes Act, 1953."

So this consensus was arrived at during the tri-partite talks. It was re-endorsed by a meeting of 16 Opposition parties as early as the 30th June, 1983. The meeting proposed a four point formula for the

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solution of the Punjab problem: on the territorial question, transfer of Chandigarh to Punjab and trasnfer of certain Hindi-speaking areas from Punjab to Haryana, referring the inter-State dispute to a Commission which had already been set up; and setting up an inter-State water dispute tribunal under the Inter-State Water Disputes Act. All these points were decided then. At that time, the Akali Dal was committed to it. They were prepared to accept the formula. But unfortunately, it was the ruling party, the Congress Party and the Government which drifted. For one year, the Government did not take a positive stand. Only on the 2nd June, 1984, in her broadcast to the nation, the late Prime Minister, Shrimati Indira Gandhi stated that she was prepared to accept these four points. By that time Operation Blue Star was on the agenda and we know what unhappy consequences flowed from that.

I do not want to rake up the past. I only want to restate, once again there is drift. Once again there is drift in the implementation of the Accord. Once again the territorial question has not been settled even by the Mathew Commission. The other day, speaking in this House, I had stated that in her Award of 1970 the late Prime Minister Indira Gandhi had awarded Chandigarh to Punjab, Abohar and Fazilka to Haryana, and made provision for a corridor through the Punjabi speaking village of Kandu Khera. Under the Rajiv-Longowal agreement that corridor was not provided for, and that led to the deadlock. The Mathew Commission was also not asked to find out other areas which could be transferred to Haryana. I suggested the other day, and I ask even now; what is the difficulty for the Central Government to transfer two or three villages from Rajasthan to Haryana to provide a contiguity? A whole sub-division of Purnea district of Bihar—the Kishanganj sub-division—was transferred to West Bengal to provide contiguity and communication link with the areas of North Bengal after the partition of the country and the people of Bihar agreed to it. I think the patriotic people of Rajasthan will agree to it. If two or three villages are transferred, that will also provide the contiguity. But that is not being considered. I do not know why. Or, the Chief Ministers of Punjab and Haryana with the help of the Central Government could come to an agreement to find some solution. That unfortunately is not being done. This is drifting.

The Akali Government in Punjab also has adopted a policy which we do not consider to be either in the interests of national unity or communal amity in Punjab or in the interests of implementation of the Punjab Accord. In essence, the policy of the Akali Government is a policy of appeasement of the separatists and terrorists and extremists. It is none else than Sardar Gurcharan Singh Tohra who handed over the Golden Temple to the extremists under the cover of an agreement with the Dam Dami Takshal. That is all known. It is the Akali Government which released terrorists who were in jail. It is the Akali Government which has been soft towards the extremists and has been dragging its feet on the construction of the Sutlej-Jamuna canal. And, therefore, our party has demanded that the Akali Government must take a stern action against the terrorists and the separatists, give up the policy of appeasement, maintain law and order, protect the lives and liberties of the people.

Now the communal forces have raised their heads among the Hindus as well. A so-called Shiv Sena has been formed. The communal and separatist forces both among the Sikhs and the Hindus are unfortunately mobilising the people against each other and disturbing the peace and amity in Punjab and threatening the unity of the country. And this provides a fertile ground for hostile forces across the border and

the imperialist forces to conspire against our country, send bands of terrorists to destabilise our country, and seek to divide our country. Non-implementation of the Accord is creating all these problems. That is why we have, while criticising the communal forces, both Hindu and Sikh, also expressed our criticims, voiced our criticism, of the drift on the part of the ruling party, the Congress itself. The grossest example of this drift is evident from the following. My friend on the other side was asking, when for three years the Janata Party was in power at the Centre, in Punjab and in Haryana, why did they not implement the 1970 Accord? A valid question.

But may I ask when from 1970 to 1976 the Congress (I) Party was in power in Delhi, in Punjab and in Haryana, why did they not implement the award? Both are guilty. Both are guilty of a policy of drift. Unfortunately, that same drift continues to characterise the policy of the ruling party. (*Time Bell rings*). Sir, I will conclude now; I do not want to go into any greater detail on this.

Sir, I want to respond to the appeal made by Sardar Darbara Singh. Let all secular forces join hands to conduct a campaign not only in Punjab, but also in the whole country, to fight the reactionary, separatist and communal forces and to maintain the unity and integrity of the country. We are prepared to co-operate with the ruling party. We are prepared to co-operate even with the ruling party. I have made this appeal repeatedly from the forum of this House to the Prime Minister and I have said that as the President of the ruling party, he should convene a meeting of all the secular and democratic parties from which all the communal parties are to be excluded because no communal unity and communal amity and national unity can be maintained if, in the name of national unity, communal parties are also invited. Lets cular and democratic parties be invited; let the Prime Minister, as the President of the ruling party as well, take the initiative; and let a united forum be formed and let us all conduct a joint campaign.

SHRI MUKHTIAR SINGH MALIK: What is your opinion about the Akali Dal? What do you say about that party? Is it a communal party or not? (*Interruptions*).

SHRI INDRADEEP SINHA: I will leave it to the ruling party to decide.

SHRI MUKHTIAR SINGH MALIK: What do you say? Is it a communal party or not?

SHRI INDRADEEP SINHA: I will leave it to the ruling party to decide it, to decide which of the parties are communal and which are not communal.

SHRI NIRMAL CHATTERJEE: How many communal elements are there in the ruling party? What do you say about this? (*Interruptions*).

SHRI INDRADEEP SINHA: Yes. How many communal elements are there in the ruling party itself! I would only like to request my friend, Sardar Darbara Singh. When he accuses all the Opposition parties of compromising with communalism, I would only like to ask him who has compromised with communalism, in the Shah Bano case?

SHRI NIRMAL CHATTERJEE: Who has compromised in Kerala?

SHRI INDRADEEP SINHA: Yes. Who has compromised with communalism in Kerala? Who has compromised with communalism in Tripura? Who has compromised with communalism in Jammu and Kashmir? So, the ruling party should have a little introspection and if they pursue really secular and democratic policies, the opposition will not be. . . .

SHRI NIRMAL CHATTERJEE: Failing. . . .

SHRI INDRADEEP SINHA : . . .failing and we will be prepared to co-operate even with the ruling party in fighting communalism, and for maintaining the unity and integrity of the country. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI SANTOSH KUMAR SAHU): Now, Dr. H. P. Sharma.

DR. H.P. SHARMA (Rajasthan): Sir, I rise to support the Bill under discussion now. Sir, a word about the Punjab Accord I will not well at any length on the importance of the Punjab Accord except to say that it pulled us back from the brink of a very real disaster. We were heading towards a fratricidal war and a fratricidal war in the real sense of the term because there are no two communities in India which are closer to each other, either by way of worshipping in the same gurdwaras or temples or in matters relating to birth and death, than these two communities. I think there are only two communities or two religions in the world who cremate the dead bodies, like the Hindus and the Sikhs, in the same place. I just wanted to say that we were heading towards a real fratricidal war and that the Accord was really a step of boldness, step of courage, of trust and faith.

Sir, the Prime Minister is on record as having said so many times that he is sincere about the implementation of the accord and he wants to implement the accord in letter as well as in spirit and, Sir, this Bill is in fulfilment of that pledge and it is only in the fulfilment of this pledge that this Bill has been brought forward before the House.

Sir, shorn of all the legal verbiage, the Bills seek to help the Government in constituting a Tribunal and the functions of the Tribunal will be under two heads. One will be the verification of the water drawn by the three States and the other will deal exclusively with the problems of Punjab and Haryana.

Sir, since we are facing such a complex situation, I would first try to separate the area of agreement from the area of disagreement. There is one point on which there appears to be total agreement and it is that Rajasthan is not mentioned anywhere except in 9·1 and there also in the context of verification alone it is mentioned that the farmers of these 3 States will not draw less water than what they were drawing on 1st July, 1985. The ambit of the Tribunal does not extend beyond it. It will not allow any consideration, any alteration, any revision of the previous agreement arrived at. Rajasthan is mentioned only to allow the verification of the quantum of the water drawn.

Sir, the settlement perhaps could have been worded differently and perhaps there was no necessity of referring to Rajasthan at all. But since it is there, we have to deal with it. But the people who are against the implementation of the Accord are introducing new amendments and asking for new references. Well, as far as Rajasthan is concerned, it is very clear. I may be repeating some of the points already mentioned. First, I shall mention the 1955 Agreement which allocated water in different quantities to the three States. I will mention two points about the 1955 agreement. It was concluded with agreement of all the three States. Secondly, in the first instance it fulfilled *in toto* the requirements of punjab and PEPSU. Therefore, Punjab should not be the one State to complain about its share. I will repeat again. First, whatever water allocation Punjab and PEPSU wanted, not what we of Rajasthan wanted, was given to them. So at least Punjab should not be a party to have any grudge against the allocation of water made to it. Our share was fixed at 52·6 per cent and it should continue there.

Sir, this Agreement continued for 20 years after 1955 and there were no complaints by Punjab during the

whole tenure of 20 years.They were perfectly satisfied with it. The problem arose only when there was the question of division of assets of the erstwhile State of Punjab between Haryana and Punjab. At that time, both Haryana and Punjab went to the Supreme Court. Again, at the time of framing of the issues, Rajasthan's share of the total waters was not an issue before the Supreme Court. That question was not there. Rajasthan was made only a proforma party to the dispute.

Now, Sir, a word about the Indus-Water treaty because it is because of this treaty that this country secured all these waters. I think all the experts, whether they belong to this country or they are international experts, have agreed that the Indus—Basin Treaty, the way it was negotiated, has been to the benefit of this country. I will not repeat the quotation Mr. Jaswant Singh made in the morning about Pandit Jawaharlal Nehru. But the main thrust of Pandit Nehru's argument was that the deserts of Rajasthan needed water and perhaps that was at least one important point which clinched the issue in our favour. The entire dispute is between Punjab and Haryana and Rajasthan does not come in. I would just like to take a minute of the House by quoting from the Home Minister's speech and what he said on the floor of this House on 28th February, 1984. I quote:

> "They (They mean the Akalis) have also sought to reopen the question of the allocation to Rajasthan, which the House will recollect was settled much earlier. The Government's stand is clear. It is only the dispute between Punjab and Haryana relating to the surplus Ravi Beas waters arising as a result of the Punjab Reorganisation Act. That should be adjudicated upon by a Tribunal. The issue relating to Rajasthan's share and question of Yamuna waters cannot be thrown open in this context."

That has been the Government's stand. It could not have been made more clear. Sir, now there are two points which arouse our anxiety. One is that since the Rajasthan Canal or Indira Gandhi Canal is still under the process of construction and not complete, we had two choices. Either let the excess, surplus water flow down to Pakistan or let Punjab use it. Sir, by a mutual agreement, we agreed that Rajasthan will make available 0·6 m.a.f. water in out of our total allocation of 8·6 m.a.f. to Punjab while our canal work was being completed. Sir, this provisional arrangement has been sought to be given a semi-permanent stamp. This provision—I again repeat—during the time the canal was being completed, had been worked out between Punjab, Haryana and Rajasthan in the ratio of 30:21:49. That should not be taken as a permanent division of our assets. (*Time bell rings*). Sir, I will take two more minutes. Sir, there is another point on which we have an apprehension. It is in paragraph 9·1 where it says, "as on 1-7-1985." The meaning of these words is not clear. In the morning, the hon. Law Minister said that it meant the same thing—as upto that particular date. He used those words three or four times. I would appreciate and request the hon. Minister to please make it clear during his reply. The minds of the people of Rajasthan are apprehensive that it should not be taken as the water drawn on that particular date. Suppose the motors or water pumps had been thrown out of order or the water drawn was much less on that day well, that on single day's withdrawal should not be taken as the final figure. It should be calculated on the basis of the water drawn previously. (*Interruption*) I just want a clarification. It should be a long period of 2·3 years obviously. But still we welcome this.(*Time bell rings*) Sir, I would not take any more time of the House. I only want these two clarifications. What does 1-7-1985 mean? We want a categorical assurancethat whichever way you read it or interpret it but, Rajsathan's share

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will not be less than its allotted share of 8·6 m.a.f.

Thank you, Sir.

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman, Sir, each tragedy has its own tale of woe and suffering. The Punjab tragedy is peculiarly poignant and painful. When the Akalis lost control over their morcha and things passed into the hands of the extremists, violence, for a purpose, in fact, deteriorated to violence for its own sake. The blood-spewing terrorists perpetrated a reign of terror in the State. Though the public opinion was against the extremists' violence, yet no peace-loving citizen could gather the guts to stand out against the rain of bullets coming from machine guns and other automatic weapons. The vibrant economy of Punjab suffered a major set-back and the precious resources of the State were squandered, unfortunately, on policing of the State. The various incidents which followed in quick succession thereafter need not be narrated here again. But the fact remains that the cumulative effect of all this was that the economy of Punjab was badly shattered. And Punjab in fact, found itself precariously placed between Scylla and Charybdis. It required the high order of statesmanship of Shri Rajiv Gandhi to keep the State from falling apart.

And howing political wisdom and sagacity he invited Sant Longowal for the talks and the latter showing ample courage, responded, and the result was the present Punjab Accord. On various occasions the Prime Minister has said in unambiguous terms that he wants to ensure that the Accord is implemented in letter and spirit and the present Bill brought before this House today is another step in that direction. Clause 9, of the Accord refers to the sharing of waters and has been referred to in great detail by various hon. Members speaking before me and I won't like to take much time on that. I won't really have wished to touch upon the merits of the matter at all had it not been for the various doubts raised by my hon. colleague, Mr. Jaswant Singh. Hearing him rather dismayed me. Had he talked about the share of Rajasthan I would have been one with him to say that the Accord in no way hampers or prejudices the interests of Rajasthan. But the theory that he really put forth was that he challenged the very foundation of the Accord itself. He challenged the *locus stand* of the Prime Minister to ask for the introduction of a Bill as this on the basis of what he called some understanding with the leader of a politicl party. It really made leame wonder as to what was the real stand of the Opposition. Particularly the party to which my hon. friend belongs, whether they really wanted the Accord to be signed at that stage or not. Because the Accord received spontaneous approval from the countrymen, my learned friends like him, did not and could not raise a voice against it at that time. But now feeling that things are perhaps going out of their own hands and the Government is acquiring an image that it acts and acts firmly when it concerns the unity and integrity of the country. Various agruments are sought to be raised in one from or the other but with the basic idea to demolish what has been attained by very useful and serious and honest discussion on the part of the Government.

Sir, as I see the terms of clauses 9(1), 9(2) and 9(3) of the Punjab Settlement, I think the interest of Rajasthan is fully protected. But since it will be for the Tribunal to decide the matters finally, I would not like to comment upon that. It is only one part which I would like to touch in this connection and that is the spirit in which the Accord was signed. It is very pertinent to mention here the concluding part of the agreement which reads and I quote:

"This Settlement bring to an end a period of confrontation and ushers in an era of amity, goodwill and cooperation which will promote and strengthen the unity and integrity of India."

After the Accord elections were held and for the first time I would say that it was an election completely free from acrimony and any violence. After the Akali Government came to power there were high expectations that the State forgetting the sordid past would once again tread the path of prosperity and peace. But unfortunately the ambivalent attitude of the Akalis towards the extremists has landed us in the situation what we find ourselves in once again today, I think the extremists were always wanting to destroy the Accord but by shying away from an "ethic of responsibility" or from facing the threat of extremists in right earnest, the Akali Government has fallen in their trap and are today silent spectators of the gory events rocking Punjab once again.

The people of Punjab are very much disgusted and a sense of insecurity prevails through the length and breadth of the State. It is high time for the Akali Government to act and rid Punjab of the menace of terrorism.

A doubt was expressed by Mr. Babul Reddy also that the Central Government was not sincere in the implementation of the accord and for that he relied upon the fact that it is almost after six months that this Bill has been introduced. In this connection the only submission I have to make is that the accord postulated that the legal and constitutonal requirement would be gone through expeditiously and then we expected of the Akali Government to make a reference to the Central Government regarding the dispute concering sharing of rivers water. But when the Akali Government did not honour that part of the commitment which was its responsibility, it again came to the Central Government to come forth with the present Bill and I am sure the enactment of this would go a long way in fulfilling the Punjab Accord. My senior colleague, Mr. Bhatia, referred in his immaculate style to the historical a background regarding and International Treaty the rivers which are the subject matter of the dispute, the Constitutional aspect covering it and finally gave—I would say—a wise advice to the oppo sition in his lucid literary style and I am sure I should not even attempt to dwell on that. But I do hope that a Bill as this which seeks a cohesive nation, to build democratic institutions or which seeks to usher a period of peace and prosperity for and promote vibrant nation a cordial relationship between different States, should not in any way arouse any suspicion amongst the hon. Members and should have been outrightly welcomed.

[The Vice Chairman (Shri M.P. Kaushik) in the Chair.]

In conclusion, I would only say that being a Punjabi, I do wish that due share of Punjab is allotted to Punjab. Each contryman knows that Punjab has never been selfish regarding any matter. It is Punjab which defended the borders bravely and suffered a lot of damage to its economy. Punjab has always been in the vanguard of freedom struggle. Despite the fissiparous activities of extremists and other irrational elements aided and abetted by hostile powers Punjab would continue to play the historic role. But here it becomes the bounden duty of every countryman to view the Punjab problem not as the problem of Punjabis alone but as the problem of national magnitude. Once this fact is recognised, we will be able to solve the Punjab problem I would say, in the larger national interests. With these words, I would support the Bill.

THE VICE-CHAIRMAN(SHRI M.P. KAUSHIK) Mr. Matto

SHRI S.W. DHABE : Our names are there. How are you changing it?

SHRI SUSHIL CHAND MOHUNTA: My name was to come.

THE VICE-CHAIRMAN : (SHRI M. P. KAUSHIK) : He will take 3-4 minutes and after that you will speak. Don't worry, everybody will be given the time.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir) : I rise to support the Bill. I have only to bring to the notice of the House one point. I do not agree with Mr. Jaswant Singh that it does not come under article 262. Article 262 deals with inter-State disputes about rivers. There is also article 3. This article clearly says—'this is in regard to formation of new States and alteration of areas—' Parliament may be law (a) form a new State by separation of territory from any state or by uniting two or more States or parts of States or by uniting any territory to a part of any State (b) increase the area of any State (c) diminish the area of any State (d) alter the boundaries of any State. Article 4 says the laws made by Parliament under articles 2 and 3 provide for the amendment of the First and the Fourth the Schedule and any supplental provisons thereto. After division of Punjab, the two States Punjab and Haryana became two separate entities and this problem comes under the Inter State Water Disputes Act. Now, Sir, I was going through the original Act. Shivshankerji and Shankaranandji, I would request your indulgence for two or three minutes. I was going through the Statement of Objects and Reasons of the legislation, when a Bill, in this connection, was introduced. It has been very clearly stated therein. Shri Gulzarilal Nanda was the Minister incharge then. It has been stated 'There is, at present, no machinery for the adjudication of water disputes which may arise among various State Governments. The absence of such a machinery has sometimes created difficulties in the past. Under article 262 of the Constitution, Parliament is empowered to provide for the adjudication of disputes relating to the use, distribution and control of waters of inter-State rivers. This is what has been mentioned in the Statement of Objects and Reasons when the Bill was introduced Article 262 of the Constitution has been mentioned therein. Now, Sir, article 262 (b) of the Constitution also bars the jurisdiction of the Supreme Court, The Inter-State Water Disputes Act, 1956, also contains a provision which says :—

AN HON. MEMBER : Section 11

SHRI GHULAM RASOOL MATTO : 'Nothwithstanding anything contained in any law neither the Supreme Court or any other Court shall have or exercise jurisdiction in respect of any water dispute which may be referred to the Tribunal under this Act'. This is very clear. But I would like to bring to the notice of the hon. Minister one point. By virtue of the parent Act, the Central Government can *suo moto*, without bringing in a Bill, constitute a Tribunal on its own. It says here 'when a request under section 3 is received from any State Government in respect of any water dispute and the Central Government is of opinion that the water dispute cannot be settled by, negotiations the Central Government shall, by notification in the official Gazette, constitute a Water Dispute Tribunal for the adjudication of such water dispute'. This is very important. 'The Central Government shall, by notification in the official Gazette . . ' I do not know. I am not a lawyer. But Shri Shivshanker is a lawyer. To my mind, even by an executive order, a tribunal can be set-up, as per the provisions of the Inter-State Water Disputes Act.

Sir, While I welcome this thing, I have to bring one point to the notice of the Government. This is a very important point. We are also concerned with this; the State of Jammu and Kashmir. River Ravi passes through Jammu and Kashmir also and although our share has been determined in the past, it may be reopened. But the point I would like to make is, why there was delay in the implementation of the Punjab Accord. The delay occurred because the Mathew Commission got bogged down on only one point., And that

point was the word 'contiguity'. When the word 'contiguity' was in the Accord, the Mathew Commisssion could not reach an agreement. I do not say whe ther the word 'contiguity' used in the Accord was correct or not because we have all welcomed this Accord, but we wanted that the Accord should be implemented in latter and spirit. We fear the same may not happen to this Bill if the Government doesnot take action right now. Clauses 9.1 and 9.2 should be read together. (*Interruptions*). Kindly bear with me. My point is, the Law Minister in the morning said that the question about the Rajasthan comes under article 9.1 and nothing can be done under article 9.2. My point, there is a time limit of 1-7-1985. Maybe, when the total statistics are obtained from all the States, as on 1-7-1985 there may be no water left for adjudication. This is the point to be taken into consideration. As on 1-7-1985 the water that may be available for distribution between Haryana and Punjab may be nothing. So, this point may be taken into consideration in its totality. Secondly, the date 1-7-1985 may be contested by Rajasthan also in a separate suit or claim with the Central Government. They may state at a point of the time that, before 1-7-1985 they had 8.2 million cms of water but on that particular date, *i.e.* up to 1-7-1985 it was 4.5 million cms. The Law Minister in the morning said that 1-7-1985 means 'up to 1-7-1985'. So, Rajasthan may quote tomorrow that up to 1-7-1985 our share was 8.2 million cms instead 4.5 million cms.

So, I would request that while referring tl is case to the Tribunal ample care should be taken in consultation with the Government of Punjab and of course, Haryana and Rajasthan because if you find a difficulty in the implementation of this Bill right now, you will have to consult these three Governments.

With these words I support the Bill. But before doing so I would request hon. Shri Shankaranand and Shri Shiv Shanker to take into consideration my points which are very valid, so that we may not be faced with a situation that was created by the Mathew Commission award.

THE VICE-CHAIRMAN (SHRI M.P. KAUSHIK) : Shri Mohunta. Only three minutes.

SHRI SUSHIL CHAND MOHUNTA (Haryana) : No, I am very sorry. I am a person who comes from the State of Haryana. I am the person who is worst affected by this accord and the provision which is now being incorporated through this amending Bill.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Try to summarise your points. Be brief.

SHRI SUSHIL CHAND MOHUNTA : It is a pernicious amending Bill. I am going to tell you how it is going to affect us. (*Interruptions*) You only like to hear those who support you, that is nothing. You must hear the other side also. (*Interruptions*) . I am never off the mark, nor do I make irrelevant points. So, as long as I am on a revelant point, please do not press the Bell.

I see that nobody perhaps knows the true picture. Everybody is trying to have the picture from this side or that side. Let us understand that in 1955, for the first time, the Indian Government came to the conclusion about the waters flowing from the eastern rivers of India, their flow to Pakistan and the flow of water to which India was entitled. At that time, it was thought that Rajasthan, being absolutely a desert area, had no water at all. Even drinking water was not available there. Not only Rajathan but some of the areas in Punjab were also

[Shri Sushil Chand Mohunta]

suffering from the shortage of water. So, they decided to utilise the waters of the eastern rivers which go into Punjab and over which the Indian Government had a right. The Punjab's share was 7.2 M A F including Pepsu at that time. In 1955, it was Pepsu. So Pepsu was given 1.30 MAF. So both included made it 7.25 MAF. Rajasthan was given the lion's share 8.2 MAF; Jammu and Kashmir 0.65 MAF. This was in 1955.

SHRI JASWANT SINGH : Out of a total flow of 15.85 MAF.

SHRI SUSHIL CHAND MOHUNTA : Yes, I agree, this was on the total flow of 15.85 MAF. Now after this agreement was reached, with the assistance and help and I would say, the effort of the World Bank people who made an extensive tour of this desert area, in 1960 the Indus Water Treaty was signed. The crux of that Treaty was that India was allowed the right to have the benefit of the flow of the Eastern rivers—*i. e.* Ravi, Beas and Sutlej. All these three rivers, waters were to benefit India and India was given full rights after paying Pakistan Rs. 110 crores. And it was also incorporated in the agreement that these waters, over which India had a right, would be available to India in 1970. Till 1970, there was nothing much to do about it. But what happened was that in 1966, Punjab, which was at that time one single States comprising present Himachal Pradesh and Haryana, had all these three rivers flowing from Himachal Pradesh, through Punjab and Haryana—Which was united Punjab—to Pakistan and there was no Inter-State dispute. But in 1966, Punjab was trifurcated. Himachal Pradesh was formed as a separate State. Then we had Haryana as a separate State and we had a separate Punjab. For that in 1966 we had the Punjab Reorganisation Act. In the said Punjab Reorganisation Act, section 78 clearly spells out the provisions about waters. I would just quote that. It says :

"Notwithstanding anything contained in this Act but subject to the provisions of sections 79 and 80, all rights and liabilities of the exiting State of Punjab in relation to Bhakra-Nangal Project and Beas Project shall, on the appointed day, be the rights and liabilities of the successor States in such proportion as may be fixed and subject to such adjustments as may be made by agreement entered into by the said States after consultation with the Central Government or, if no such agreement is entered into within two years of the appointed day, as theC entral Government may by order determine having regard to the purposes of the Projects :

Provided that the order so made by the Central Government may be varied by any subsequent agreement entered into by the successor States after consultation with the Central Government".

Then sub-clause (2) is very important :

"An agreement or order referreds to in sub-section (1) shall, if there ha been an extension or further development of either of the projects referred to in that sub-section after the appointed day, provide also for the rights and liabilities of the successor States in relation to such extension or further development".

This was the provision under section 78 of the Punjab Reorganisation Act. Punjab and Haryana could not agree to apportion their interests under this Act. Therefore, in 1976, the Central Government intervened and they passed an award allocating to Haryana and Punjab both 7.0 MAF, out of which 3.5 MAF was for Haryana and 3.5 MAF was for Punjab. After that also people were not satisfied, the States were not satisfied. After that what happened was that in 1981 a composite agreement was drawn up having representatives from all the three

States and the Union Government, in which they said, Rajasthan's share protected, Punjab's share protected, Haryana's share Protected and for certain consumption purposes, portions of Delhi and Jammu and Kashmir also protected. And the agreement was signed by shri Bhajan Lal, at that time the Chief Minister and now also the Chief Minister of Harayna, Shri Shiv Charan Mathur, Chief Minister of Rajasthan and Shri Darbara Singh, Chief Minister of Punjab, in the presence of Smt. Indira Gandhi, the then Prime Minister of India. So it is a solemn agreement.

The States never raised any objection—neither Haryrna nor Rajasthan nor Punjab—regarding the legality of this agreement. But one particular political party, the Akali Party, expressed their apprehensions that this agreement was misconceived and the right of their State has been affected which thay are entitled to represent—and I do not want to go into the Holocaust that took place. But whatever it be, under that pressure we had the accord known as the Punjab Accord signed, not between any of the States but signed between the Prime Minister of India and the head of the Akali Party. All right, well and good. Even if the Prime Minister did not sign it with a political party he could himself have said, 'Well, I give these concessions" and Parliament has the right to endorse his views. I have no objection to that. But I am coming to the other point. That point is, when this agreement was signed, none of these States was called to be asked whether they were prepared to receive this agreement. If this is to be kept then what happens to this document? The Punjab Accord is signed but it does not say that this agreement solemnly given in 1981 endures is now a waste paper to be thrown into the waste paper basket. No body knows. Now we come to two paragraphs of the punjab Accord-9.1 and 9.2. If this agreement is to be throw into the waste paper basket, as I can see para 9.1 the share of the farmers of Punjab, Haryana and Rajthan, as they used the water as on 1.7.85 is to be determined by the commission. If these shares are to be determined by the Commission, then the water under 9.1 exhausted. Then we come to 9.2 which talks of the remaining water. Now what is that remaining water? If this agreement is thrown into the water paper basket, then the whole wast outside the user—whatever is used gets protected—the whole water becomes remaining water. And if that becomes the remaining waters then only two States Haryana and Punjab will share out of it Rajasthan will be completely ousted. That is as far as I can understand. You have the record also before you. The Law Minister made a statment just today and he has expressed this view that Rajasthan is only entitled to its share as it used on 1-7-1985 ... (*Interruptions*)

SHRI P. SHIVSHANKAR: No, no.

SHRI SUSHIL CHAND MOHUNTA : You give me the statement I will read out this sentence.

THE VICE CHAIRMAN (SHRI M. P. KAUSHIK) ; Please conclude

SHRI SUSHIL CHAND MOHUNTA : I am on an important point

THE VICE-CHAIRMAN (SHRI M.P. KAUSHIK) : That is right, but you have said it already. Why repeat it a number of times ?

SHRI SUSHIL CHAND MOHUNTA : It must be clear. That question is, if itis understood the Rajasthan total allotment as per this agreement, is protected. No body says what but, if you take it that Rajasthan's allotment of share as in the agreement of 1981 is protected then why has it not been specifically mentioned in para 9.1. Number 2, what is the use or what is the idea of determining its user. If the entire 8.6. maf of water is protected for Rajasthan, then why should you determine the user because the user is certainly lesser? Determining of user to only relevant where its share to confined to user, but

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if the whole water is protected then why determine the user ? User is to be only regarding Punjab and Haryana. Now if you take Punjab and Haryana, if this agreement endures regarding protection of Rajasthan's Right according to the agreement 8.6—maf. then we must also take it that the rights of Punjab and Haryana are also protected as per this agreement. If they are protected under this agreement, then again we need not go into the user at all. We have only to see that the States get this water.

The second point is why a picture has been tried to be painted—I want to ask a particular question and I want an answer to it. The Inter State Water Disputes Act, the 1956 Act, is an Act which has come into force visualizing that disputes would be arising between two or three separate States. This is a dispute. Ours is a dispute, not of two or three separate States. Ours is a dispute, arising out of the reorganization of Punjab and as provided in the Punjab Reorganisation Act. If that be the case, then why a picture is being tried to be printed that an inter State dispute has-arisen and that is why this amendment is brought By bringing an amendment to hisAct you want to show to the world that it is an inter State dispute. It is not an Inter-State dispute and once you give it the ramifications of an inter-State dispute, I can all you, a whole lot of question about riparian rights about basin rights about user rights, so many rights will crop up.

It would be opening up the Pandara's box. You will put your head into hornet's nest. Don't do it. Therefore, I am saying that this Bill is totally misconceived It has no point whatsoever. It is trying to cater to certain political stands taken by certain vested parties. In this the interests of the States of Haryana and Rajasthan both are put at stake.

I want the hon Minister to make these points clear. The three points on which I seek clarifications are:

Is the interest of Rajasthan as incorporated in the 1981 agreement protected or not ?

Number two, is the interest of Haryana as incorporated in the 1981 agreement protected or not? If not who has the right to rescind it ? Did the Haryana Government or the Punjab Government or any other Government agree to rescind it ? I want these clarifications. Number three...

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK) : Take your seat.

SHRI SUSHIL CHAND MOHUNTA : This is my last point. If as I am putting it, Punjab,was using 6.2. MAF of water on 1.7.85, on 1.7.85 the user Punjab amounts to 6.2 MAF and the user of Haryana is 3.2 MAF, what is the remaining water which you are going to give unless you agree with the Law Minister and say that Rajasthan's interests have been only confined to its user.

श्री मुख्तियार सिंह मलिक (हरियाणा): जनाब वाइस-चेयरमैन साहब, मैं यह बिल जो आज हाउस के सामने आया है इसकी हिमायत करने के लिये खड़ा हुआ हूं । मैं इसका समर्थन करता हूं । इस बिल के बाबत बहुत कुछ कहा गया है और बहुत कुछ कहना बाकी भी है । इसके पेश्तर कि इसके बारे में मेरी जो शंकायें हैं, कुछ ऐप्रिहेंशन्स हैं, उनके बारे में जिक्र करूं, जो मुद्दे अपोजीशन की तरफ से उठाये गये है, मैं जरा उनके बाबत जिक्र करना चाहता हूं । मैं अपोजीशन वालों से भी और इस हाउस के सब मेम्बरान से यह पूंछना चाहता हूं कि जब पंजाब एकोर्ड साइन किया गया तो इसके पीछे क्या इंटेंशन था, क्या मोटिव था ? What was the basis of signing that accord.

कितने दिनों तक हिंदुस्तान के अन्दर हफड़ा दफड़ी चल रही थी । एक तरफ आसाम का मसला था और दूसरी तरफ पंजाब का मसला था । हमारे अपोजीशन के लोग हर वक्त यही बात कह रहे थे कि पंजाब और आसाम का मसला हल किया जाये । आज

वे लोग इसके पीछे मोटिव इम्प्यूट करते सिन्हा साहब ने बहुत सी बातें कहीं। उनकी कुछ बातें तो ठीक हैं। उन्होंने एक बात कही कि पंजाब का मसला हल करना चाहिये। उन्होंने कहा कि सन् 1983 में 13 पार्टीज ने, अपोजीशन पार्टीज ने इकट्ठा होकर कहा कि यह भी ठीक है और वह ठीक है सिन्हा साहब ने कहा कि श्रीमती इंदिरा गांधी ने उन पार्टीज की बात नहीं मानी। जब 3 जून को आपरेशन ब्लू स्टार हुआ। उन्होंने कहा, I do not want to rake up this issue now. लेकिन जख्म पर कोई अंगुली लगा दे और फिर उसके बाद कोई यह समझता हो कि कोई असर न हो तो यह ठीक नहीं है। इसमें अकाली उठ कर भाग गये। बड़ी-बड़ी पार्टीज ने भी यही किया। उसके अन्दर शामिल होना मंजूर नहीं किया। एक साल के इंतजार करने के बाद बार-बार उनको कहा गया कि they should come tothe table but they refused on one pretext or the other. यह समझ में बात नहीं आती कि इंडिया की युनिटी और इन्टेग्रिटी को कायम रखने के लिए सारी अपोजीशन पार्टियों ने इस हाउस के अंदर और सारी कन्ट्री के लोगों ने इसका वैलकम किया ताकि देश की यह तस्वीर बनी रहे। लेकिन अब कांग्रेस पार्टी के ऊपर, श्रीमती इंदिरा गांधी के ऊपर या अब जो हमारे प्रधानमंत्री हैं उनके इन्टेंशन के ऊपर, मोटिव के ऊपर, इस किस्म की बात अभी जो मेम्बर बोल रहे थे वे चले गये, इसके पीछे जो है उनका एक पोलिटिकल मोटिव है। क्या पोलिटिकल मोटिव है? राजीव गांधी जी ने इतनी जबर्दस्त सैक्रीफाइस इस हिन्दुस्तान की अवाम के सामने करके दिखाई है जिसकी कोई मिसाल नहीं। आज कांग्रेस पार्टी आसाम और पंजाब के नक्शे से मिट गई है। इतना सेक्रीफाइस उन्होंने किया। उन्होंने हर एक कंसेशन असम को दिया, हर एक कंसेशन पंजाब को दिया और उसका नतीजा यह हुआ कि इलैक्शन के अंदर हमारी पार्टी ने असम में इलैक्शन लूज किया और पंजाब को अकालीपार्टी के हवाले कर दिया। आज इस पर भी इनको सब्र नहीं आया। अभी सिन्हा साहब ने कहा कि इस अकार्ड को पूरा करने के लिए 13 पार्टियों को आप फिर इकट्ठा कीजिए, नेशनल पार्टियों को फिर इकट्ठा कीजिए और उनमें से जो कम्युनल पार्टीज हैं उनको निकाल दीजिए। मैंने उनसे सवाल किया कि क्या आप अकाली पार्टी को कम्युनल नहीं समझते हैं या जो आपकी बाजू में बैठे हैं मैं नहीं कम्युनिस्ट पार्टी वाले कहते हैं कि बी०जे०पी० कम्युनल पार्टी है। We leave it to the congress party to decide whether Akali Dal is a communal party or not. इससे ज्यादा क्या कोई कम्यूनल पार्टी होगी। अगर अकाली पार्टी को इससे निकाल दिया जाये, बी० जे० पी० को इसमें से निकाल दिया जाय तो फिर आप किसके साथ बात करना चाहते हैं। Which are the forces there in Punjab which are creating trouble? अगर आप इनको निकाल दें तो फिर आपके सामने क्या रह जाता है। इस किस्म के आर्गुमेंट वहां से देते हैं और फिर कहते हैं कि We welcome it though it is a belated one? क्या बिलेटेड वन है। कैसे इतनी देरलगा दी। मैं पूंछना चाहता हूं पर्टिक्युलरली अपने दोस्तों से कि वे शाह को कहते हैं जाग और चोर को कहते हैं लाग। ये अकाली पार्टी को हर वक्त उकसाने पर लगे रहते हैं। वाइस चेयरमैन साहब, समझ में नहीं आई कि अपोजीशन पार्टी वाले जब किसी भी कांग्रेस रूल स्टेट के अन्दर अगर कुछ हो जाता है तो वे यहां पर कहर बरपा करते

[श्री मुख्तियार सिंह मलिक]

हैं। और अपोजीशन पार्टी वाले हाउस को नहीं चलने देते। लेकिन आज पंजाब के अन्दर क्या हो रहा है? Is there any Government worth the name in Punjab? मैं इनसे यह पूछना चाहता हूं। आज पंजाब के अन्दर कम्पलीट अनार्की है? क्या हो रहा है यह आप रोजाना अखबारों के अन्दर पढ़ते हैं लेकिन क्या अपोजीशन वालों ने आज तक कहा है कि बरनाला सरकार को ला एंड आर्डरमेंटेन करना चाहिये और अकाली दल की हुकूमत को वहां की स्थिति पर कन्ट्रोल करना चाहिये Government is tha acts and administe Government is not that surrenders यह अकाली पार्टी की सरकार, बरनाला की सरकार जो हैं उसने दमदमी टकसाल और ए० आई० एस० एफ० के सामने बिल्कुल घुटने टेक दिये हैं। They have completely surrendered before them, फिर ये कहते हैं कि अकार्ड अगर जल्दी से लागू कर दिया जाता तो यह हालात न होते। लेकिन यह हालात कौन पैदा कर रहा है? The so-called terrorists. The terrorists are not concerned with the Accord, the terrorists are not concerned with the law and order situation in Punjab. They are concerned with Khalistan only. इसका अर्थ बिल्कुल साफ है कि उनका ऐम और ओब्जेक्ट जो है वह खालिस्तान है। उनकी तरफ कोई अकार्ड हो या न हो उनके लिये यह कोई मायने नहीं रखता है। अब यह कहते हैं कि अगर अकार्ड को पहले से लागू कर दिया जाता तो वहां की हालत ठीक हो सकती थी। मैं यह कहता हूं आप उनको क्या देना चाहते हैं। टेरोरिज का मामला है। पंजाब भी हिंदुस्तान के अन्दर है, हरियाणा भी हिन्दुस्तान के अन्दर है। इसी तरह से पानी का मसला है। हम तो यह कहते हैं कि सारे का सारा हरियाणा ही उनको दे दो, हम तो कहते हैं कि हरियाणा को मर्ज करो पंजाब के साथ...

(व्यवधान)

श्री हुकमदेव नारायण यादव: कर दो। (व्यवधान)

श्री मुख्तियार सिंह मलिक: कर दो, यह कहना बहुत आसान है।

It is very difficult to merge.

मेरी समझ में नहीं आता है किस किस्म की बातें कही जाती हैं। यह नहीं किया जाता है, वो नहीं किया जाता है, आप अकाली गवर्नमेंट की इंटेंशन को नहीं समझ सकते हैं। मोहन्ना साहब कह रहे थे कि 1976 के अंदर एक अकार्ड हुआ कि 3.5 मिलियन एकड़ वाटर जो है वह हमें दिया और इतना ही पानी पंजाब को दिया। दैट वाज नाट आनर्ड। उसके अन्दर क्या था। उस अकार्ड के साइन करने के बाद ही जनता पार्टी की सरकार बनी। मैं उस वक्त जनता पार्टी में ही था। उस वक्त हरियाणा के अंदर लोक दल की सरकार थी और पंजाब के अन्दर अकाली दल की सरकार थी प्रकाश सिंह बादल की। दोनों भाई पगड़ी बदलियार थे। उस वक्त प्यार की पींगे झूल रहे थे। दोनों ने उस वक्त अकार्ड नहीं किया। उसको ऐस ही वेस्ट बपर बास्केट के अन्दर डाल दिया। अकार्ड के ऊपर कोई बात करने की जरूरत महसूस नहीं की। न कभी देवी लाल ने उसका जिक्र किया और न कभी प्रकाश सिंह बादल ने उसका जिक्र किया। जैसे ही 1980 के अन्दर श्रीमती इंदिरा गांधी की सरकार आई सेंटर के अन्दर दोनों की दोनों स्टेट जो हैं वह सुप्रीम कोर्ट के अन्दर चली गई। उधर देवी लाल जी ने एक रिट फाइल कर दी उधर प्रकाश सिंह बादल ने सुप्रीम कोर्ट के अन्दर एक रिट फाइल कर दी और इन सारी चीजों को देखते हुए सरकार ने जब यह देखा कि रोजाना एडजार्नमेंट हो जाती है, तो तीनों स्टेट्स के चीफ मिनिस्टर्ज को सेंट्रल गवर्नमेंट ने इकट्ठा किया और 31 दिसम्बर, 1981 को एक समझौता कर दिया, एक अकार्ड हुआ जिसके अन्दर तीनों के दस्तखत हैं। मैं उसको पढ़ कर सुनाता, यह मेरे पास भी है, जिसके ऊपर श्री शिव चरण माथुर, भजन लाल और सरदार दरबारा सिंह जी जो यहां बैठे हुए हैं इनके दस्तखत थे और इस अकार्ड पर श्रीमती इंदिरा गांधी जो उस समय प्रधान मंत्री थीं उनके भी दस्तखत थे। मेरी समझ में नहीं

आता मैं श्री शंकरानन्द जी से एक बात पूछना चाहता हूं यह वाटर ट्रिब्यूनल एक्ट जो वह ला रहे हैं इसके ऊपर, अकालो जो हैं वह बार-बार अब भी हमें पता है कि सुप्रीम कोर्ट में नहीं जा सकेंगे । वहीं यह राइपेरियन स्टेट्स का मामला उठ रहा है और इस पर काफी कुछ कहा जा चुका है और भाटिया जी ने बड़े विस्तारपूर्वक बता दिया है, फिर बांसल जी ने भी बताया है । हम राइपेरियन स्टेट हैं उसके अन्दर अर्स्टवाइल पंजाब के अन्दर हरियाणा भागीदार था । उधर Rajasthan arid area and area of Southern Punjab that is, Haryana side. यह उसके अन्दर शामिल था लेकिन जब उन्होंने दो दफा दस्तखत कर लिये वहां की गवर्नमेंट बाऊंड नहीं है, क्या एस्टोपल नहीं है ? They are estoppel from getting the Award open. Sir it was Res Judicat. फिर कोर्ट के अन्दर डिसाइड हो जाए लेकिन by an agreement they have signed and they are bound by this 3.5 हमारा शेयर है और 3.5 उनका शेयर है । यह एस्टोपल तो है if not Res Judicata in the strictest legal term इसके अन्दर एक दो वाक्य अर्ज करना चाहता हूं अकालो गवर्नमेंट की इंटेंशन आपने देख ली, कोई भी प्रोमिस निभाने के लिये वह तैयार नहीं है । क्या यह अकार्ड का पार्ट नहीं है कि 15 अगस्त 1986 तक एस० वाई० एल० केनाल जो कैरियर चैनल है उससे पानी हम हरियाणा के अन्दर लाएं । उनको पांच साल हो गये हैं । हरियाणा ने

5 P.M. अपना पोर्शन पांच साल पहले बना कर रख दिया । उसके सिर में मारें या करें ? इसके साथ ही एक सौ करोड़ रुपया हमसे ले लिया और उसके बावजूद झूठी बातें कही जाती हैं ।

मैं वाईस-चेयरमैन साहब, इनसे पूछना चाहता हूं कि वह उसके ऊपर कोई कस्सी लगा कर देख रहे हैं । अब बरनाला साहब ने स्टेट असेम्बली के अन्दर एक बयान दे दिया—(समय की घंटी)—कि केनाल खोदने की क्या जरूरत है, पानी तो कोई सरप्लस है ही नहीं ।

इसके साथ ही मैं बहुत मोअदबाना अर्ज करना चाहता हूं अपने शंकरानन्द जी से और वह यह है कि अपोजीशन वाले भी यहां पर बैठे हुए हैं, कि पंजाब अकार्ड को इन आइसोलेशन हल नहीं किया जा सकता है । अकार्ड तो है, इसको एक एज़ ए पैकेज डील हल करना चाहिये, खाह पानी का मामला है, खाह टैरिटोरियल डिस्प्यूट्स हैं, खाह दूसरे मसायल हैं, सब को इकट्ठा करके एकदम एज ए पैकेज डील हल करना चाहिये—because the intentions of the Akali Government are not clear.

तो मैंने जैसा आपसे अर्ज किया, अगर इन हालात को देखते हुये मेरी उनसे मोअदबाना गुजारिश है कि यह बिल तो अब ठीक लाये हैं । यह एक आखिरी कदम है सेंट्रल गवर्नमेंट का जिसके लिये आपको बधाई देनी चाहिये । उसके अन्दर आपके शेयर, हमारे शेयर्ज क्या हैं, क्या नहीं हैं, वह तो ट्रिब्यूनल ही फैसला करेगा, आपके राजस्थान का भी, हमारे हरियाणा का भी और पंजाब का भी । लेकिन मेरी अर्ज है कि एस० वाई० एल० का आप जरूर कोई न कोई इंतजाम करें । मेरी आप से यही अर्ज है ।

With these words, I support the Bill. Thank You.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK) : Mr. Dhabe. Please be brief.

SHRI S.W. DHABE (Maharashtra) : Mr. Vice-Chairman, Sir, I will not give you a chance to ring the bell. It is unfortunate that in our country, with the same ruling party being in the States and at the Centre, many problems remain to be solved. I am facing in my State the problem of Belgaum, a problem between Karnataka and Maharashtra. Both were ruled by the Congress Party and the Centre was also ruled by the Congress Party. Similar Mr. Darbara Singh was the Chief Minister of Punjab; the Haryana Chief Minister also belonged to the

[Shri S. W. Dhabe]

same party; the Rajasthan Chief Minister also belonged to the Congress Party. Still the problems were not solved. The extremists became stronger because no decision could be taken by the same political party at the State and Central level. Therefore, I am certain that this dispute will not be solved because section 5 of the Inter-State Water Disputes Act involves a very lengthy procedure. It contains so many "ifs" and "buts". After the report of the Central Government, it has to give a decision and then the Central Government should send the decision to the State Governments for their opinion to see if they have got any objections. Again it is sent back. So this procedure involves sending it back and forth five to six times. So no water dispute has been solved in any part of the country within a time-frame. Therefore, I would like to know from Mr. Shankaranand who knows the Belgaum district very well whether there is any time schedule ... When I am speaking, the Minister is talking with the other Minister. Mr. Shiv Shanker need not brief him. He is a competent man. He knows about Belgaum. What is the time schedule — this is my first question—to decide the matter? Will it go on for years or will there be a time-frame like six months, as in the case of the Industrial Disputes Act? Under sections 4 and 5 of the Act, the time is unlimited.

The second point is, now the Ordinance is repealed. It means what—that the original tribunal goes? That tribunal was constituted and whether it started functioning or not, the hon. Minister may know. But the repealing effect will be that a tribunal will have to be appointed newly. The tribunal contemplated by the Bill is a three-member tribunal.

So, after passing this Bill the Government will have to take a decision on the appointment of a tribunal and its members. The third point I would like to suggest is, while speaking on Punjab Accord the Prime Minister made a historic statement. He said, who loses if India wins? It was expected that elections were to be held by February and March. But elections were held immediately and the initiative was taken by the Government and it must be said that the elections were held peacefully. An Opposition party came into power. I have to say if the ruling party had come into power or Lok Dal was in power as in Haryana Chandigarh would have been immediately transferred to Punjab. The agreement was so clear about Haryana and Punjab; the contiguity principle is there. Now what is the position? On the basis of the agreement with Longowal there is no case for the Government of India to wait and create more disputes between Punjab and Haryana about villages. What Haryana wants, it will not give a good and desirable result for Haryana itself. Therefore, my suggestion is that that accord should be faithfully implemented. Already extremists are becoming more powerful because of your inaction because Longowal accord is not being implemented. The Central Government is not keen at all to give Chandigarh to Punjab. What else will happen if you do not implement your own agreement? Lastly, it was to be done within six months. Why has not the Government taken action? Who is responsible for the delay? Whatever happens the States do not went it to be referred to the tribunal whereas power is taken by the Government to refer the issue sou motu. Now the 81 agreement is there. If a dispute is not settled, nothing can be done by them. My suggestion is the Central Government should sou motu act and act expeditiously and not wait for the parties, for the States of Punjab and Haryana. When the Ordinance was issued, there was a comment in the press that Punjab Government did not want to refer it or other State Governments may not come into the picture because they will be adversely affected. My suggestion is let us faithfully implement the Punjab Accord and see

that the matter is settled immediately. I would like to ask the Minister how much time it will take to solve the dispute. If it is going to be indefinitely prolonged like this, I have to warn Belgaum will be repeated.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh) : Mr. Vice-Chairman, we have all supported the Punjab settlement signed by Longowal and Prime Minister Rajiv Gandhi. We also welcomed the announcement of early elections in Punjab. We also welcomed the Accord. We welcomed the elections because we wanted that the unity and integrity of the country should be preserved and peaceful conditions should prevail in Punjab. These were the motives why we welcomed the measures. But unfortunately the Central Government has failed to implement this settlement in its letter and spirit. According to the settlement it was to be implemented within six months. But they could not implement it. I fail to understand why so much time has been taken by the Central Government. Everybody knew that conditions were worsening day by day. There is no sign of improvement in the conditions even today. They have taken nearly six months to promulgate an Ordinance. We have objected to the promulgation of the Ordinance at the time on three grounds.

We objected to it on three grounds: firstly, on statutory grounds; secondly, on the ground that it would not stand the scrutiny of law; and, thirdly, on the ground that it was promulgated just on the eve of the Parliament session. These were the three grounds. Of course, the Ordinance was withdrawn later and a Tribunal was constituted. I do not know what would be the status of the Tribunal. Now, Sir, this Inter-State Water Disputes (Amendment) Bill has come and we all welcome this. At the same time, I would like to ask the Minister whether he will sincerely implement this and whethr he would do justice to Punjab Haryana and Rajasthan. This is the question.

As far as this Bill is concerned Sir, the Tribunal has to finish its work within six months. The earlier accord also was to be implemented in six months. But we could not do that and we have failed in implementing it. I do not know what would be the fate of this Tribunal also. You constituted the Mathew Commission. Everybody knew that according to the accord Chandigarh was to go to Punjab and the Hindi-speaking villages of Punjab should go to Haryana. And everybody knew which were the villages which were Hindi-speaking villages. The Mathew Commission said that 80 villages were Hindi-speaking villages, but one village, Khandukera, did not satisfy the condition of contiguity. Everybody knew that and yet, the Mathew Commission was appointed. But it could not give a clear-cut award and, therefore, the matter is still pending. I do not know whether this Tribunal will also meet with the same fate. So, I would like to say that whatever you want to do, you should do it sincerely and faithfully so that the unity and integrity of the country can be maintained.

Secondly, Sir, Mr. Darbara Singh, while speaking, spoke of some dispute with regard to the Krishna waters. I would like to tell him that there is no dispute so far as the Krishna waters are concerned. We have proposed the Telugu-Ganga project on the ground that it has to supply water, drinking water, to Madras City and on the ground that it has to supply irrigation water to the Rayalaseema area which is a drought-affected area. So, there is no dispute at all. I would like to tell-him—the Minister alos knows this—that this project is as per the terms of the Bachawat Tribunal. But this project is awaiting

[Shri B. Satyanarayan Reddy]

clearance from the Central Government. I would request the honourable Minister to take early steps to clear this project.

While speaking on this Bill, my honourable friend, Shri Bhatia mentioned about the opposition conclave and blamed the Opposition parties. (*Time bell rings*). He said that we are dividing the society. I would like to tell my friend that they are dividing the society and they are creating discord in society and they are creating conditions of uncertainty in the country. We brought all the elements, all the parties, under one banner, on one platform. We are for unity whereas you are for division. That is the difference. They are talking of Gandhian socialism at one time and at other times they are talking about scientific socialism and yet they are blaming the Opposition. I would like to know what kind of socialism they would like to bring in this country. Neither you follow the Gandhian socialism nor do you follow the principles of scientific socialism. I do not know what kind of socialism you would bring about in this country. By simply or blaming the Opposition parties you cannot do anything good to this country and cannot serve the country in this way.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK) : You conclude now; you have already taken double your time.

SHRI B. SATYANARAYAN REDDY : Yes, Sir, I am concluding now. We welcome the present Bill which you have brought forward. But I would like to say that justice should be done to Punjab, Haryana and Rajasthan so that the purpose for which this Bill has been brought forward is served in letter and spirit. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI M.P. KAUSHIK) : Yes, Mr. Jaswant Singh.

SHRI JASWANT SINGH (Rajasthan) : I have listened to the intervention of the hon. Members and I am very grateful to each one of them for, shedding such light on the subject as they could in accordance with their political predispositions. I had looked forward to the intervention of the hon. Minister of Law and Justice, a legal luminary, and I had rather hoped that he would not only do justice to Rajasthan, but that he would also illuminate the subject that is under discussion. But I am afraid I have been disappointed on both counts. I feel that the Minister of Law and Justice has done grave injustice to Rajasthan and instead of shedding light on the subject, he has, in fact, spread darkness. I will illustrate why doubts have arisen in my mind.

Firstly, the hon. Minister of Law and Justice said that Rajasthan's claims, rights as it were, arise only out of the Agreement that they do not exist outside of the Agreement. I have not the text of his intervention and I am trying to remember what he said as best as I can. I have serious difficulties with that. That is indeed the question because it opens out the whole pandora's box of riparian rights, basin rights etc. If a very senior and eminent member of the Cabinet were to stand up in a discussion on this subject and assert that Rajasthan's rights arise only out of the Agreements, then indeed that is the whole sum and substance of what we are saying. The point is precisely that.

SHRI ASOKE KUMAR SEN : I said they are rooted in the two ageerments. Some transcript has said 'routed'. I said 'rooted'.

SHRI JASWANT SINGH : Indeed, Sir, the Hon. Minister of Law and Justice said that they are rooted in the two Agreements. I Submit that they go beyond the root to which the hon. Minister for Law and Justice is tracing them. Rajasthan's rights to these waters indeed flow ou

of the whole concept of Indus basin and Rajasthan is a part of the Indus basin. The point I am trying to make is this. Perhaps the Minister of Law and Justice is well within his right to put across an entirely legalistic interpretation of the whole question. But this is not just a legal debate. This is a debate involving. the rights of millions of people of Rajasthan rights to use of water which is not just a question of something with which you wash. It is a sustenance. It is a matter of life and death for Rajasthan and the whole question of Rajasthan's rights. It will take me just a minute to elaborate. My hon. friend, Mr. Sushil Chand Mohunta, did admirable work in bringing out the whole basis. India's claim in the whole Indus Water Treaty is sustained on Rajasthan's rights. We claimed 18.48 MAF when we went into the question of Indus Water Treaty. Of these 18.48 MAF, Rajasthan's share, as stated in that, was 10.86 MAF, I won't go into the breakdown of how this 10.86 MAF came about. This 10.86 MAF was based on the flow series of 21 to 45. Based on the flow series of 21 to 45 a total determined figure of 15.85 MAF came into being of which undivided Punjab inclusive of Himachal Pradesh, Haryana, Punjab and PEPSU was given 7.2 MAF. Kashmir was left with .65 MAF and Rajasthan was given 8 MAF or 52.6 per cent at a flow of 15.85 MAF based on the flow of 21 to 45 series. Again, out of this 10.86 MAF, Rajasthan then gets 8 MAF, at that first time on a flow of 15.85 MAF . There was also an agreement there that there would be a prorata change in case of change in supply. On 24th March, 1976, Punjab and Haryana got 3.5 MAF each. Drinking water for Delhi is fixed at .2 MAF Punjab and Haryana have come into being. In settling the assets of Punjab and Haryana, the determining figure of 60:40 is established: Therefore, Punjab becomes the disputant Punjab says that if everything else is being divided at 60: 40, water should also be divided accordingly.

On 31st December of 1981 based on a flow series of 1921 to 1960-not 1945 any more, but 1960-- the flow series is enhanced and is now 17.17MAF. Punjab's share is enhanced to 4.22 MAF. Haryana stays at 3.50 MAF. Rajasthan becomes 8.60 MAF. But its percentage share moves only marginally upward from 52.60 to 52.69. Now, simultaneously, here is a transitional arrangement which says that till such time as Rajasthan is unable to take that extra water that we are entitled to, that balance of water will continue to go to Punjab which reduces Rajasthan's share from 52.69 per cent to about 49 per cent. To this agreement, there were three signatories, the three respective Chief Ministers of Rajasthan, Haryana and Punjab.

Now, here we come to the next point Sir. The Government of Rajasthan has represented to the Central Government that this diminution of 52.69 per cent to 49 per cent share must be clarified because this is a transitional arrangement. That representation remains unanswered. The agreement of 31st December, 1981 is extant. It is there. At that stage comes into the scene the Akali party and it is here that we would like to treat the two subjects simultaneously. A number of Members, Sir mentioned about my having stated that the Prime Minister signed a settlement with an avowedly, a declaredly communal party. The Akali Dal pretends to be nothing else but a communal Party. It calls itself an Akali Dal. The State of Punjab was not a complainant. The State of Rajasthan was not a complainant. Haryana has not complained. Akali Dal had complained. And to settle with Akali Dal, a settlement called the Punjab Settlement is signed in July, 1985. In the context of that, Sir, . . .

SHRI P. SHIV SHANKER : BJP had been in coalition.

SHRI ASOKE KUMAR SEN : Before the hon. Member goes into Akali Dal and BJP, may I only clarify because his figures are correct. We accepted it. I said these figures are rooted in the agreement between the three States and Rajasthan. Why do you differ ?

SHRI JASWANT SINGH : I will tell you where we differ .

SHRI ASOKE KUMAR SEN: Is this 8 m.a.f.t. utside the agreement or what ?

SHRI JASWANT SINGH : I will tell the hon. Minister where we differ. Sir, the hon. Minister has been so good as to ask me where we differ. A clarification was sought by hon. Dr. H.P. Sharma; Is it upto 1st July or as on 1st July ? The hon. Minister for Law and Justice says, that "it is the same thing; there is no difference. I submit, Sir....

SHRI ASOKE KUMAR SEN : Sir, this is again not correct with that respect I said that there is a difference between 'on' and 'upto'. But in this particular case, there is no difference in fact because what was on was upto. But let us forget about it. What I said was that 9.1 does not deal with the entitlement under 1955 or 1981 agreement. 9.1 only guarantees that Rajasthan will not get less than what it has been drawing on 1-7-1985.

SHRI JASWANT SINGH : That is the next difference. Firstly, the hon. Minister of Law and Justice has categorically said that it is the same thing to say whether it is upto 1st July or as on 1st July. My hon. friend, Dr. H.P. Sharma was here. This is a part of the record of the proceedings of Parliament. However, if now the hon. Minister of Law and Justice corrects himself and says that...

SHRI ASOKE KUMAR SEN : I never said that it will get less than 8 m.a.ft. I said that 8 m.a.ft is based and rooted on the two agreements. The last one was signed by Sardar Darbara Singh.

SHRI JASWANT SINGH : Again there is a difficulty.

SHRI ASOKE KUMAR SEN : There is no difficulty. May I say that I said very clearly that is guaranteed under 9.1 ? I said so very clearly. May I read once again ? If English language means anything, I do not see how there is any difference. I said this: "It guarantees existing user of waters of Ravi an Beas to Rajasthan, Punjab and Haryana."

SHRI JASWANT SINGH : There is a difference between the user and the right. Sir, the hon. Minister has spoken of user as on 1-7-1985. That is precisely the point. There is a difference between the 'user' and 'entitlement'. A differentiation has to be made by us here. Otherwise we will be doing a great disservice to the rights of Rajasthan.

SHRI ASOKE KUMAR SEN : I used the expression of 9.1. It it this that is what they have been using up to 1-7-1985 and the quantum of usage claim has to be verified. Therefore the word 'user' in 9.1. And I said that the verification of that 'user' will go to the Tribunal. This is 8 MAF. It was nowhere disputed. It is putting something in our mouths which we never said. In fact, I said that it is very much routed in the two agreements. I said very clearly right from the top... (*Interruptions*). Now, Sir it is not said that Rajasthan is entitled to more than it is using because 'user' is guaranteed by the agreements...

SHRI JASWANT SINGH : I have very high regard for the hon. Minister for Law and Justice.

SHRI ASOKE KUMAR SEN : I cannot guarantee misunderstanding I can guarantee expression of my own language. But I cannot guarantee

its carrying different senses in different minds but I can make it very clear again that what is guaranteed under the two agreements of 1955 and 1981 remains guaranteed.

SHRI SUSHIL CHAND MOHUNTA : The hon. Law Minister has said that 1955 and 1985 agreements are guaranteed. If the... (*Interruptions*)

SHRI ASOKE KUMAR SEN : So for as Rajasthan is concerned, the other part, minus Rajasthan, 9.2 will go to the Tribunal for sharing of that which remains, after minus Rajasthan, between Haryana and Punjab.

SHRI SUSHIL CHAND MOHUNTA : I want to ask a question If that is...

SHRI ASOKE KUMAR SEN : I have a very important meeting to attend. Mr. Shiv Shanker is here. I beg to take leave of the hon. Members : Let it not be misunderstood. Mr. Shiv Shanker will now answer. (*Interruptions*).

SHRI SUSHIL CHANDMOHUNTA : A point which has just arisen. I put the question. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI M.P. KAUSHIK) : I will give you a minute, let him finish.

SHRI ASOKE KUMAR SEN : All right.

SHRI SUSHIL CHAND MOHUNTA : I was asking if 1891 agreement is a solemen agreement and which does exist, it has not yet been abrogated, if it has not yet been abrogated then the share of none of the States can be gone into.

SHRI ASOKE KUMAR SEN : 9.2 is very clear. 9.2 says that after Rajasthan's share has been verified, what remains.

SHRI JASWANT SINGH : Verified. Please also make a distinction between user rights.

SHRI P. SHIV SHANKER : After Rajasthan 's share is excluded and not verified.

SHRI SUSHIL CHAND MOHUNTA : My question remains unanswered. If the entirety....

SHRI P. SHIV SHANKER : You need not fight on each and every word. He is trying to explain.

SHRI ASOKE KUMAR SEN : I have said, minus Rajasthan guaranteed user, what will remain. User is because of this thing. User here is the same as entitlement.

SHRI SUSHIL CHAND MOHUNTA : If the entirety of claim of Rajasthan is protected,then 9.1 the user of Rajasthan has to be mentioned. Say the entire claim is protected ? Why have the user ? Why have a commission to go to the user at all ? I cannot understand. If you want to determine the user, for what purpose ? (*Interruptions*)

SHRI ASOKE KUMAR SEN : The language of the Accord has to be understood in a reasonable way, in the context of the past eight years. The Accord did not bid a good bye to the past agreement and you have to understand the language in the context of the past eight years and in the past Rajasthan share was guaranteed and it remains guaranteed and then user means the user as guaranteed to Rajasthan.

SHRI SUSHIL CHAND MOHUNTA : Why a Commission has to be appointed ? What is the use if the whole claim is guaranteed ?

SHRI LAL K. ADVANI : You are tying yourself in knots unnecessarily.

SHRI SUSHIL CHAND MOHUNTA : 8.0 to 8.6 is guaranteed Why refer to a Commission ?

SHRI LAL K. ADVANI : Shri Shiv Shanker is trying to untie the knots.

SHRI P. SHIV SHANKER : There seems to be some confusion. The position is absolutely clear. In fact, my colleague made the position absolutely clear in his earlier speech as also in the clarifications that he has given. At the cost of repetition I must submit that when it comes to the question of clause 9.1 of the accord, Rajasthan's coming in is only for the purpose of what it was using as on 1st July, 1985.

SHRI SANKAR PRASAD MITRA : What is the relevance of that user if there was an earlier agreement ?

SHRI P. SHIV SHANKER : So far as Rajasthan is concerned, Rajasthan is totally out of the purview of clause 9.2 Rajasthan does not fall at all. Now after determining the usage under 9.1 with reference to Haryana and Punjab, so for as remaining waters are concerned with regard to share of these two States, that only is divisible under clause 9.2.

SHRI SUSHIL CHAND MOHUNTA : What is the relevance ? Clause 9.1 determines the usage by Rajasthan.

SHRI P. SHIV SHANKER : If you want to have ...

SHRI SANKAR PRASAD MITRA : Rajasthan's share is guaranteed by the earlier agreement. Therefore, what is the relevance of determining the user of Rajasthan on a particular date ?

SHRI P. SHIV SHANKAR : The point is, Haryana and Punjab had been contesting the figures of the usage of Rajasthan, Haryana and Punjab were not satisfied when a Rajasthan was giving a particuar figure. They were saying it was more than five point something I do not exactly remember it at this stage. They said 'We use this water' and both the States were not agreeing that they were using. That is one part of it. What Punjab was saying—that they were using 6.2 MAF—Haryana was not accepting and what Haryana was saying, Punjab was not accepting. Therefore, Rajasthan has been brought into the accord for the limited purpose of determining the usage as on 1st July, 1985. There is nothing else so far as Rajasthan is concerned.

SHRI JASWANT SINGH : Though this will not settle the matter I know, if I am....

SHRI P. SHIV SHANKER : I am sure I have made it clear.

SHRI JASWANT SINGH : If you are going to determine Rajasthan user as on 1st July, 1985, it is without any prejudice to the right to 8.6 MAF.

SHRI P. SHIV SHANKER : I have made the position clear and you have understood me; I have also understood you. Why do you rake up the issue further? Both of us have understood and the House also has understood it.

SHRI LAL K. ADVANI : It happens that I have been aware that during the tripartite conference, the contention of Akalis was that Rajasthan is not a riparian State and, therefore, 1955 agreement should be reopened and we opposed it and ultimately Akali Dal conceded that we are not going to raise the issue of Rajasthan. Unfortunately even in clause 9.1 of the settlement with Akali Dal, Rajasthan has been incorporated, as the Minister says, needlessly in a way. But today when we heard the Law Minister repeating the same argument which the Akali Dal advanced at that stage that Rajasthan is not a riparian State and of course, its right arises from the agreement, we became concerned. And, therefore, we feel it imperative that the Government must come out with a categorical assurance that 1955 agreement will not be touched in any way.

SHRI P. SHIV SHANKER: So far as the Law Minister was concerned, the only thing where the Law Minister has omitted to mention is the Indus basin rights of Rajasthan. Very rightly, Raja Jaswant Singh has said...

SHRI JASWANT SINGH: I am not a Raja.

SHRI P. SHIV SHANKER: I will make you Raja. You are entitled to it.

श्री लाल कृष्ण आडवाणी: कोई आपत्ति नहीं है।

SHRI P. SHIV SHANKER: *There are lots of Rajas in BJP.*

श्री लाल कृष्ण आडवाणी: हमारे सदन के नेता ही राजा है तो हम भी सब राजा हैं।

SHRI P. SHIV SHANKER: Sir, in fact, the Law Minister has not said anything different. The Law Minister started from the agreement of 1955 and the 1981 agreement. The rights that Rajasthan has under the 1955 agreement or the 1981 agreement essentially flow from the rights that Rajasthan had in the Indus Basin. The question of interfering with that does not arise.

SHRI JASWANT SINGH: Sir, there are only one or two minor points. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): You can conclude now.

SHRI JASWANT SINGH: I am very grateful to the hon. Minister, Shri Shiv Shanker...(*Interruption*)

SHRI P. SHIV SHANKER: He tried to confuse the Law Minister and the Law Minister refused to be confused.

SHRI LAL K. ADVANI: The Law Minister cannot be easily confused.

SHRI JASWANT SINGH: There are one or two points and I would be grateful if some light is thrown on them. Despite the assurances given by hon. Ministers, two eminent legal luminaries in their own right, myself being just a practitioner as it were of current politics, my objection to article 262, in regard to inter-State rivers, still remains. In fact, the whole thesis falls of a Central enactment, of an amendment to the Inter-State Water Disputes Act, if it is conceded that there were disputants The fact remains that none of the three States were disputants. The State of Punjab, the State of Haryana or the State of Rajasthan, after 31st December, 1981, were not disputants to the sharing of the waters. It was the Akali Dal which was disputing the share of the waters. This has been done in deference to the Akali Dal's wishes. All this is what made me say that an impression is created that the Central Government *is bringing forward legislations* either under the pressure of the Muslim League or the Akali Dal which irked some hon. Members on the treasury benches. But the fact remains. Like maternity, this is a fact. Under pressure from the Akali Dal, Government has brought forward this legislation. My objection to article 262 still 'remains, because, article 262 says, inter-State rivers'. It was clarified that inter-State only in the sense that some of them flow from Himachal Pradesh into Punjab and out into Pakistan. But if Punjab, Haryana and Rajasthan are involved, they are not inter-State geographically; they are not inter-State; article 262 is not invited because none of these three States are disputants. This was precisely the difficulty which brought about the need for such a legislation which is presently in front of the House, an amendment had to be brought to the existing Act namely the Inter-State Water Disputes Act, so that the Central Government can constitute a Tribunal on its own. Therefore my observation on article 262 still remains.

My next observation is about the debarment of the Supreme Court. The hon. Minister of Water Resources has said that this is only a small Bill. I think, in his opening statement, he said that this is only a small Bill. It is, perhaps, small in the number of words it uses. It is, perhaps small in the sense that it contains only three clauses. But I believe, this

[Shri Jaswant Singh]

is a Bill, of very deep import and this is not small from the point of view of its importance. The hon. Minister also talked about immediate action, keenness to implement the Accord and the time-limit of six months etc. But the time-limit of six months from the date of the Punjab Accord has long gone by. Sir, I will be concluding quickly.

Debarment of the Supreme Court still remains. The hon. Minister of Law and Justice says that under article 262, the door of the Supreme Court may be shut to you, but it is open to you under article 136.

The fact remains that under article 136 Rajasthan has earlier experienced going to the Supreme Court on the case of Narbada. Some of my colleagues and the colleagues from the other side were mentioning to me that the hon. Minister of Law and Justice was himself the counsel for the State of Rajasthan and he lost us the case. The case was admitted to the Supreme Court under article 136 and thrown out under article 262. So, the point that I still have is about debarring of Supreme Court. The question of claimants who are not even parties to this dispute still remains.

I have a number of other points but I shall not take the time of the House. I have taken the cognizance of the mood of the House. I want to go into the essence of the river water dispute. I have one or two suggestions to make which I will do later. Here I will repeat my demands and conclude.

I am very grateful that a categorical statement has now come.

SHRI P. SHIV SHANKER: It was already there.

SHRI JASWANT SINGH: No, it was not so. I am very glad that a categorical statement has now come from the Government and that this is for the first time that Rajasthan's interest will not in any case be touched, that the determinant date 1st July, 1985, is only to determine the user and in the case of Rajasthan user does not compromise its rights and its entitlement. Therefore, I repeat, the Government would do well to reiterate, the hon. Minister would do well to reiterate that in no case Rajasthan's share will be less than 8.6 MAF if the total flow is 17.17 MAF or 52.69 per cent of the total flow should the total flow fall less than 17.17 MAF.

I would request for one more clarification and an assurance from the Government. The State of Rajasthan and the taxpayer of Rajasthan has paid 52.69 towards the works for the joint control of the headworks but the control of the headworks is with the Punjab Government. The State of Rajasthan and the taxpayer of Rajasthan has paid its share of 52.69 per cent towards the costs and construction of this headworks and, therefore, in all righteousness and fairness I would expect that the control of the headworks is transferred out of control of the Punjab Government to an autonomous body which can ensure that the water flows to Punjab, Haryana and Rajasthan equitably and the award is implemented simultaneously with the bringing into being of this particular Bill. I am grateful to all the Members who participated in this discussion. I am particularly grateful to eminent and senior members of the Cabinet who have taken the trouble of coming to this House at this late stage of the day to clarify certain very important issues as far as Rajasthan is concerned.

SHRI P. SHIV SHANKER: Sir, I would not like to go on the merits but one or two points which the hon. Member has made. I would like to explain those points and then leave the floor to my colleague to answer the rest of the debate.

The hon. Member has made a very significant remark before referring to article 262. An accusation has been made that the Government has brought in the legislation to please the Akali Dal and he has also referred to Muslims, etc. I submit that no legislation is brought in the Parliament on the pressure of any one. When the Government feels that it is in the larger interest of the nation, the legislation would be brought. If that legislation would benefit a particular segment of our society, then we should do it because we will be doing our duty in the larger interest of the nation. That is what I thought I should explain. On the question of article 262 the position is that it is true that 1956 Act is within the meaning of article 262 read with entry 5 of Union List, which deals withthe inter-State waters.

So far as this amendment is concerned, because my hon. friend was trying to speak out that this river could not be an inter-State river I should say that with reference to Himachal Pradesh, Punjab and Haryana as it was so Punjab and Haryana were once upon a time the same State. He was raising his doubt with reference to Rajasthan, I may submit one factor. The hon. colleagues and Judges who sit there are aware of the concept of the interpretation of statutes where the pith and substance of the law has got to be gone into. I am submitting that this amendment, even assuming—I am taking the argument against myself—that even of this amendment does not fall within any of the provisions which I have just referred to, this amendment could be supported by the residuary Entry 97 of the Union List. Now the question... one minute, please, let met complete.

SHRI SANKAR PRASAD MITRA : It could be supported by the theory of pith and substance doctrine.

SHRI P. SHIV SHANKER : That is why I am explaining this. Will you kindly listen to me? He had been a Judge rendering judgements on our arguments.

SHRI S.W. DHABE : But this is not a court.

SHRI P. SHIV SHANKER : I am not saying that. But then one aspect I must explain because I am trying to put forth the argument in extreme. That is why I will have to explan this part of it Some people might raise an objection—as to how this part which might receive its sustenance from Entry 97 could be engrafted into the law which has been framed on the basis of either Art. 262 or Entry 54 of the Union List? These matters are settled by the Supreme Court. One can do it. We have the opinion of the legal luminaries on that point and it is on that basis that we have proceeded. Therefore, the doubt that has been raised has no basis. I am not quoting the opinion of the legal luminaries. That is not relevant for the purpose.

When it comes to the question of bar to the Supreme Court, if you kindly read Art. 262(2), in fact the last words are very relevant. It says:

> "Notwithstanding anything in this Constitution Parliament may by law provide that neither the Supreme Court nor any other court. shall exercise jurisdiction..."

then the following words are very significant—

> "....in respect of any such dispute or complaint as is referred to in clause (1)".

What is referred to the Tribunal, to that extent that matter cannot be enquired into by any court, including the Supreme Court, and my colleague the Law Minister, was very much right when he said that that does not mean that the jurisdiction under Art. 136 is taken away, that does not mean the jurisdiction under Art,

[Shri P. Shiv Shanker]

226 is taken away; that does not mean that the jurisdiction under Art. 32 for the Supreme Court is also taken away. When the matter is referred, whatever is referred to in clause (1), to that extent, if it is referred, you cannot go and file a suit, or, as you, Sir, are well aware, one State can file a suit against the other State in the Supreme Court in the original jurisdiction, even with reference to this part of it, if it is referred to the Tribunal a suit. That is all. Beyond that there is no point.

SHRI SUSHIL CHAND MOHUNTA : But one question remains unanswered. It is a very important question. Why have you not proceeded under section 78 of the Punjab Reorganisation Act and have tried to circumvent the whole thing, thus creating such a big controversy by coming forward with this amending Bill ?

SHRI P. SHIV SHANKER : So far as section 78 is concerned that is on the basis of the State Reorganisation Act of Punjab and Haryana their assets and liabilities have to be determined according to those provisions Section 78 does make a reference but section 78 does not make a comprehensive reference about the dispute.

SHRI SUSHIL CHAND MOHUNTA : Yes it does.

SHRI P. SHIV SHANKER : If you kindly go into it...just listen to me. What had happended, thinking that a decision could be rendered such a decision was rendered in the absence of the agreement between the parties in 1976 such a decision was rendered between the parties in 1981, and it has presented new dimensions. So an issue had to be sorted out in the larger interests of the nation. When we have to sort out the issue in the larger interests of the nation, whatever remedies or procedures are available for that, if we resort to them what is wrong in it ?

I put a counter question to him. Therefore, please do not be sensitive merely because this law has been brought. I can understand if there is any substantive objection--which objections we have tried to meet In fact, my colleague, the Law Minister explained everything in his opening speech Perhaps I am only trying to repeat the same even at the cost of repetition.

SHRI SUSHIL CHAND MOHUNTA : You have tried to give it a dimension of an inter-State dispute between Punjab and Haryana whereas it is not It is only a question of apportionment of assets and liabilities of Haryana; it is not a question of inter-State dispute at all. By having an amendment to this Act you are trying to show to the world that it is an inter-State dispute which it is not. To that extent you are not even politically doing good to the country.

श्री हुक्मदेव नारायण यादव : शंकर जी तो बोल गए ।

श्री सीताराम केसरी: शंकर के बिना पानी मिलेगा कहां से यादव जी; उन्ही की जटा में पानी है ।

SHRI B. SHANKARANAND : मेरे पास तो जटा भी नहीं है ।

Sir I am greatful to all the Members who have participated in this debate throughout the day and I am also grateful particularly to the Members including my senior colleagues in the Cabinet who have taken pains to enlighten the House on the constitutional and legal aspects of the case. Sir, I could see the interests that the House has taken in the matter, so vital to the Nation because this being the last day I could see the House almost full. Before going into the various political aspects of the issue which have been raised by the Members here, can I say certain things about the legal aspect of it ?

One of the hon. Members on the other side said why action has not

been taken under section 78 of the Punjab Reorganisation Act. May I say, as already submitted to the House, that now the Government is taking pains to implement the Punjab Accord as contained in paras 9.1 and 9.2 of the accord? The operative part of these two paragraphs is to appoint a Tribunal. Without appointing a Tribunal these two sub-paragraphs of para 9 cannot be implemented. Section 78 of the Punjab Reorganisation Act does not contain any provision to appoint a Tribunal. That is the reason why we have not taken any action under section 78.

About article 262 my friend, the former Law Minister and now the Commerce Minister—a constitutional expert—had explained and I need not add to it. I could have said something but now the constitutional experts and the Legal Adviser available to the Government in the Ministry of Water Resources said that we could take action under article 262. Still, if any Member wants to know something else, then I would be able to explain.

Sir, various questions have been raised but I am heartened to see that throughout the day none of them has really opposed the provisions of the Bill in that nobody said that the Tribunal should not be appointed. It is nobody's case that you cannot appoint a Tribunal and a Tribunal should not be appointed and such a Tribunal cannot give justice. No, it is nobody's case. It is also nobody's case that you cannot implement the accord signed by late Harchand Singh Longowal and the Prime Minister. The House is almost entirely unanimous on this point that the accord should be implemented, peace should be found and efforts should be made, though some Members have said it is very late, the Government is taking some time they are not doing it early. But everybody has appreciated the action taken by the Government except saying that we have been signing agreements, having agreements with and hugging communal parties.

Except that perhaps, it is nobody's case "why have you taken this action? otherwise, there would have been peace, tranquility in Punjab and things would have been quite alright in the country." It is nobody's case. Directly many members and indirectly a few of them who have shown that they wanted to criticise some action of Government, I find, the entire House, are supporting this Bill and the provisions of this Bill.

Sir, as I said, the water dispute has a history right from the 29th January 1955 up till now. About the inter-State aspect of the case, Sir it is the view of the Ministry of Water Resources that this is still a dispute within the purview of the Inter-State Water Disputes Act. Everybody referred to article 262 of the Constitution. But one very important word has not been mentioned by anyone of them throughout the day I have been listening. And that is this, I will quote from article 262 of the Constitution. It is under the heading "Disputes relating to waters". This is the constitutional title. And below that is article 262 in the margin it is written :

"Adjudication of disputes relating to waters of inter-State rivers or river valleys."

I quote the article :

"262. (1) Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the Waters of, or in, any inter-State river or river valley."

It does not speak of only inter-State rivers, but valley also. And I should say that Rajasthan falls within valley of the Indus River. And that is how Rajasthan comes.

SHRI JASWANT SINGH : River basin.

SHRI B. SHANKARANAND : I am telling you. I am coming to that. Some body has said that this river has not passed through Rajasthan.

Then again a lot of debate went on international scene, what a river is

[Shri B. Shankaranand]

what a tributary is and all that. I need not go into that question because that question seems to have been settled. The opposition Members seem to have been satisfied with the elxplanation given by my friends, by my senior colleague who are cnstitutional experts.

Rajasthan has its own right to claim waters of these rivers. We cannot shut out Rajasthan on that question. I am not here to plead the case of any particular State. I am just stating facts. Sir, political actions under the Constitution or beyond the Constitution before the Constitution or after the Constitution by this Government or any other Government. may change the boundaries of the Stateswhich are political in nature which are political in action.

The boundaries of the States are political absolutely 100 per cent political in nature. But the rivers and the river valleys are not political. We cannot change by any imagination, by amending the Constitution or bringing any other law the status of a river, the course of a river, the valley of a river, the basin of a river. We cannot change or amend them. They are fixed. There maybe a dispute over the water. May be, political boundaries go on changing. Today Haryana is there. Yesterday it was not there. Only Punjab was there.Before 1947, partition was not there. Political boundaries have been changing and so we have been taking action as to how best we can make use of the water for the country. The House is aware that we have been formulating the national water policy and the basic purpose of the national water policy has been in its unanimous recognition by the Chief Ministers of all the States in the country that of all the States' national resource we have to make best use, we have to take water from the surplus area to the deficit area. That is going to be the policy of this country. On this ground alone we have obtained water from Pakistan. If I can read the 1960 Indus Accord perhaps the House will be enlightened as to what has been said there. It has been signed by Pandit Jawahar lal Nehru, the then Prime Minister and Field-Marshal Mohammad Ayub Khan. I will just read the Preamble to the treaty :—

> "The Government of India and the Government of Pakistan being equally desirous of attaining the most complete and satisfactory utilisation of the waters of the Indus system of rivers—*of which we are now talking—and* recognising the need, therefore, of fixing and delimiting in a spirit of goodwill and friendship the rights and obligations of each in relation to others concerning the use of its waters ..."

This is how we obtained these waters under an agreement with Pakistan. No State can have an absolute right over these Indus waters because we had to pay more than Rs. 100 crores to Pakistan for these waters; and no particular State has paid for this. The very nature is inter-State in the sense these are national waters and they are for the whole nation. On the strength of this argument we put it before the World Bank we said that these water resources are required to irrigate the arid zone of Rajasthan. That was the argument on which Pakistan was convinced.

SHRI SUSHIL CHAND MOHUNTA : The hon. Minister is forgetting that it was not only the arid zone of Rajasthan, but the arid zone of Punjab also which now forms part of Haryana. You only mentioned Rajasthan, why don't you mention Punjab also ?

SHRI B. SHANKARANAND : I am not ruling out any case of any particular State. Please let me not be taken by this. I am not pleading

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the case of any State; I am pleading the case of this country. I am pleading the case of the poor man in this country, I am pleading the case of the people who are hungry for water, where people are dying for want of water. The Government of India is pleading for that. We are to take water where water is most needed.

I want the support of the Parliament to enact this law so that a tribunal may be established. Peace should be brought to this country and development takes it proper place. Let us not fight on trivial matters which are not going to serve the interests of this country. I do not think the House will be divided on this because almost all of them are unanimous on it.

I thank all of them for the unanimous support they have given and I commend the Bill for the consideration and its passing.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK) : I shall now put the Resolution moved by Shri Jaswant Singh to vote.

The question is :

"That this House disapproves of the Ravi and Beas Waters Tribunal Ordinance, 1986 (No. 2 of 1986) promulgated by the President on the 24th January, 1986."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK) : I shall now put the motion moved by Shri B. Shankaranand to vote.

The question is :

"That the Bill further to amend the Inter-State Water Disputes Act, 1956, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK) : We shall now take up clause-by-clause consideration of the Bill. There are four amendments. Mr. Jaswant Singh, would you like to move your amendments?

SHRI JASWANT SINGH : Sir, I move only amendment No. 4. I do not move amendment Nos. 1, 2 and 3. I move :

Clause 2—Insertion of new section 14.—

That at page 2 after line 7, the following be inserted, namely:—

"(4) Notwithstanding anything contained in this Act, the River Waters Agreements of 1955 and 1981, determining the share of the State of Rajasthan, shall not be reopened, adjudicated, considered or altered by the said Tribunal and the fixation of the date as 1st of July, 1985, in the Punjab Settlement, shall not in any way affect the said Agreements."

The question was proposed.

SHRI B. SHANKARANAND : Mr. Vice-Chairman, Sir, may I appeal through you to the hon. Member in view of the very reassuring clarifications given by my senior colleagues, I do not think, he has any doubt about what he has said or about any injustice that he is imagining...

SHRI JASWANT SINGH : Sir, in view of the assurances repeatedly given by senior members of the Cabinet, I am not pressing my amendment.

The amendment was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK) : The question is:

"That clause 2 stand part of the Bill."

[Shri M. P. Kaushik]

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI B. SHANKARANAND : Sir, I move :

"That the Bill be passed."

The question was put and the motion was adopted.

I. THE APPROPRIATION BILL, 1986

II. THE APPROPRIATION (NO. 2) BILL, 1986

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Now, we will take up the Appropriation Bill, 1986 and the Appropriation (No. 2) Bill, 1986 together. Mr. Janardhan Poojari.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI) : I beg to move :

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1985-86, as passed by the Lok Sabha, be taken into consideration."

The Bill arises out of the Supplementary Appropriation chagred on the Consolidated Fund of India and demands voted by the Lok Sabha on the 17th March, 1986. These involve gross additional expenditure of Rs. 2809 .75 crores.

The additional requirement of Rs. 2809.75 crores comprises Rs. 1022.81 crores for transfers to State Governments, Rs. 15.94 crores for loans to Foreign Governments, Rs. 489.99 crores for releases to public sector enterprises . . . Rs. 120.42 crores for Union Territory Governments/Administrations; Rs. 150 crores for subsidy on indigenous fertilisers; Rs. 210.90 crores for Defence Services; Rs. 36 crores for telecommunication services; Rs. 1.58 crores for postal services; Rs. 325 crores for interest payments; and Rs. 437.11 crores for other items.

Details of the supplementary demands are available in the documents laid on the Table of the House on the 10th March, 1986. The impact of these supplementary demands stands reflected in the revised estimates for the years presented along with the Budget for 1986-87.

Sir, I also beg to move :

"That the Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amount spent on certain services during the financial year ended on the 31st day of March, 1984, in excess of the amount granted for those services and for that year, as passed by the Lok Sabha, be taken into consideration."

The Bill arises out of the demands for excess grants relating to the year 1983-84. These excess demands were presented in pursuance of the recommendations of the Public Accounts Committee (Eighth Lok Sabha) in their Seventh Report. The Committee have recommended regularisation of the excess expenditure under article 115 (1)(b) of the Constitution.

The Lok Sabha has already adopted the excess demands on the 17th March, 1986. The details of the excess demands are available in the documents already circulated to the hon. Members of the House.

Sir, I move.

The questions were proposed.